WEST END
ROOMING HOUSE STUDY

Final Report

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WEST END ROOMING HOUSE STUDY
EXECUTIVE SUMMARY

1.0 Background

This study looks at the nature of rooming houses in the West End of the City of Toronto, their impact on residential neighbourhoods, their role in supplying affordable housing and at municipal regulations governing their operations.

The study originated after Council passed an interim control by-law in March 1988 prohibiting further rooming houses and conversions in Wards 1,2,3 and 4 for a six month period. The interim control by-law was later amended so that it applied only to absentee-owned rooming houses. The by-law was introduced as the result of a perception by a number of members of City Council that there was a current loophole in the regulations that allowed for illegal conversions to rooming houses which were having a negative impact on neighbourhoods in the West End of the City.

This study was undertaken to determine the magnitude and nature of any potential negative impacts of rooming houses in R2 zones in the City's West End; to review municipal regulations and licencing procedures with respect to rooming houses; and, to examine the role of rooming houses in providing rental accommodation.

Due to time constraints the primary focus of the study was on rooming houses not boarding houses where meals are also provided in addition to accommodation.

2.0 The Study's Approach

In examining this complex issue, the consultants have started with the premise that rooming houses make an important contribution to the stock of affordable housing for low-income singles. In the present housing crisis, however, there is a potential for unscrupulous operators to take advantage of the less well-off by providing unsafe and overcrowded housing. Furthermore, recent activity in the housing market attracts such operators who are entering the rooming house business for speculative profits.

Therefore, there is a need for controls to protect both tenants and neighbourhoods from the less savory operators. These regulations, however, must be carefully formed. Regulations that are too restrictive will only drive this activity underground which only exacerbates the problem the regulators are attempting to control.

3.0 Study Findings and Conclusions

The major study findings are summarized below.

- Rooming houses play an important role in providing affordable housing for low-income singles and this role will continue in the foreseeable future.

- Contrary to commonly-held perceptions, rooming houses accommodate a very diverse group of men and women with varying occupations, incomes and education. Furthermore, a majority are generally satisfied with their accommodation.

- The primary concern of residents, politicians and staff are the illegal and quasi-legal rooming houses that continue to operate outside of municipal controls. These are the rooming houses which are creating negative impacts on local neighbourhoods and creating a bad image for rooming houses.

- The most acceptable form of rooming houses from the point of view of residents are those that are managed by owner-occupants, who are perceived to have more at stake in the local area and to be more responsive to complaints.

- There is evidence of a considerable degree of unlicenced illegal rooming house activity. Although difficult to quantify, the number of unlicenced operators could exceed the licenced ones in the West End.

- There is a particular concern about one chain which is taking advantage of the current loopholes to create quasi-legal rooming houses. This chain appears to house individuals, especially those on social assistance, in crowded converted dwellings.

- Although rooming house operators can realize substantial capital gains due to increases in the value of real estate, most rooming house operators make little or no profit on their current operations. Those who have recently entered the rooming house market will incurr high operating deficits. Due to their high occupancy levels, however, the quasi rooming houses in converted dwellings can yield a profit on current operations even if they were purchased recently, while their owners wait for the larger speculative gains to be made on the real estate market.

- The City needs to have better power to regulate the rooming house sector. A key solution lies in using the licencing system more effectively. In addition to capturing the quasi rooming houses discussed above, the inspection process needs to be streamlined and geared towards giving more assistance to legitimate operators. Regulations should be simplified and clarified to make them more understandable. The City also requires better powers of entry for inspection, expeditious court action and stiffer fines or penalties for operating illegal rooming houses.

- The City must close the legal loophole which permits the misuse of converted dwellings for rooming houses. There are two ways in which this could be done. The first is to redefine a rooming house so that it clearly includes the quasi-legal operations. The second is to control occupancy by incorporating the term "housekeeping unit" in the Zoning By-laws.

- Given the shortage of affordable rental housing for low-income singles, and given that rooming houses play an important role in meeting their needs, the City should develop a rooming house program. This should include such simple measures as developing a hot line for complaints and better educational material as well as other more major initiatives such as providing financial assistance to operators and purchasing rooming houses.

4.0 Recommendations

The recommendations are based upon a starting position that rooming houses continue to play an important role in the provision of affordable housing in the West End of the City of Toronto. However, unless something is done to deal with the so-called "bad operators", they could jeopardize the rest of the rooming house sector, the majority of which do not cause problems for local residents.

One of the main thrusts of the recomendations is to address the concerns around illegal and quasi-legal rooming houses that gave rise to this study. It is recommended that this activity be dealt with through a three-pronged approach: first, extending the licensing system for rooming houses to bring more operations under municipal control; second, undertaking more rigorous enforcement; and third, adopting a more co-operative and supportive approach to rooming houses generally.

The recommendations are grouped according to the following efforts:

- o closing the existing loopholes that allow "quasi rooming houses";
- o simplifying and harmonizing the existing regulations and definitions so they are less confusing to the public, staff and the courts;
- o creating more effective enforcement procedures so that problem operators are dealt with more expeditiously;
- o using the licencing system to bring more rooming houses under municipal control; and,
- o developing a co-ordinated program for rooming houses, including the provision of more support and assistance to legitimate operators.

A. Closing the Loopholes

(1) The City should amend the current definition of a rooming house in the Rooming House By-law so that it includes "quasi rooming houses". This can be accomplished by defining converted dwellings with over ten people as rooming houses in the Rooming House By-law.

(2) The definition of a dwelling unit in the Zoning By-law should be amended to limit residential occupancy to "housekeeping units."

B. Simplifying the Existing Regulations and Definitions

(3) The City should amend the Zoning By-law to replace the term boarding and lodging house" with the term "rooming house".

(4) The term "converted dwelling and lodging house" should be studied with a view to removing it from the Zoning By-law.

(5) The City should investigate the potential for removing limits on the number of rooms allowed in residential districts as set out in the Zoning By-law.

(6) The City should consider adopting the minimum size for dwelling units as set out in the Ontario Building Code in newly created rooming houses and delete the minimum currently in the Zoning and Housing By-laws.

(7) The current provisions regarding sanitary facilities in rooming houses which are in the Zoning By-law should be moved to the Housing By-law.

(8) The Planning Department should undertake a thorough examination of parking needs associated with rooming houses in older residential neighbourhoods.

C. Improving the Enforcement System

(9) The Province should be requested to increase the rights of inspectors to inspect properties suspected of being in violation of municipal regulations.

(10) The City should co-ordinate its enforcement proceedings against rooming houses more effectively, and expedite them in a more pro-active manner. The Province should be asked to assist by removing unnecessary delays in the court proceedings.

(11) The City should establish a combined inspection team that deals with all regulations pertaining to rooming houses, including Zoning, Buildings, Fire and Health.

(12) The City should establish a rooming house "hot line" to which enquiries or complaints from nearby residents, tenants or rooming house operators could be directed. The hot line should have available the name and phone number of the owner or designate of a rooming house.

(13) The City should establish a better monitoring system for rooming house activity including illegal activity.

D. Enhancing the Licencing System

(14) The process of obtaining a licence should be streamlined by using the team approach discussed above. This team would most logically be operated out of or under the direction of the Buildings and Inspection Department.

(15) The City should undertake an educational and promotional campaign regarding rooming houses to advise tenants, residents and operators on current regulations and rights of tenants and landlords. This material should be available in various languages.

(16) Advice should be available to rooming house operators on how to meet municipal regulations. Inspectors should be encouraged and advised to assist rooming house operators in addition to searching for infractions to regulations.

(17) The current procedure for reviewing the past conduct of a rooming house applicant should remain and be reviewed in a year's time to see if it needs to be amended.

(18) The licencing by-law should be amended to provide that as a condition of being granted a rooming house licence, the applicant must agree to an inspection as long as reasonable notice is given to the applicant. Such as inspection would be limited to common areas of rooming houses in order to protect the privacy of tenants.

E. Developing a Co-ordinated Approach

(19) The City should develop a "rooming house program" incorporating a variety of measures aimed at conserving and improving the rooming house stock.

(20) The Federal Government should be requested to increase funding available under the Rooming House RRAP Program and the eligible rent levels to reflect Toronto rents.

(21) The City, through the City's Housing Department, should become more active in purchasing rooming houses. These could be leased out to non-profit or private operators to run. The Province and Metro should be requested to provide financial assistance to the City for this undertaking.

(22) The Province should be requested to increase funding for programs for non-profit groups to purchase and manage rooming houses.

(23) Metro should be requested not to refer recipients of social assistance to rooming houses which are operating in contravention of municipal regulations.

(24) The City should request the Province to examine ways to deal with residential real estate speculation.

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1.0 INTRODUCTION

1.1 Background

This study looks at the nature of rooming houses activity in the West End of the City of Toronto, their impact on residential neighbourhoods, their role in supplying affordable housing and at municipal regulations governing their operations.

1.2 Why a Planning Study

In March, 1988, the City of Toronto Council passed an interim control by-law (No. 271-88) prohibiting additional rooming houses and converted dwellings for a six-month period in Wards 1,2,3 and 4. (See Appendix A.) At the same time Council directed the Commissioner of Planning and Development to review the land use planning policies pertaining to the such properties in R2 Districts in Wards 1,2,3, and 4. The Starr Group in association with Richard Drdla Associates, were retained to undertake this study.

Following the introduction of the initial interim control by-law, City Council amended it by exempting "converted dwelling and lodging houses" and "boarding or lodging houses" which were owned and operated by non-profit rooming organizations or which were owner-occupied. In addition, the interim control by-law was amended to permit "converted dwelling houses" on condition that a dwelling unit under the by-law would be defined as a "single housekeeping unit". Following these amendments, the interim control by-law applied only to absentee-owned rooming houses. Council also empowered the Commissioner of Licencing to refuse to grant a rooming house licence based on the past conduct of the applicant.

1.3 Study Objectives and Terms of Reference

The objectives of the planning study were described in the Terms of Reference as amended (see Appendix B).

1. Determine the magnitude and nature of any potential negative impacts of rooming houses on R2 neighbourhoods in Wards 1, 2, 3 and 4.

2. Determine whether the existing municipal regulations and licencing procedures affecting rooming houses are adequate as they are presently implemented, in mitigating any of the potential negative effects identified in (1).

3. Make recommendations to establish new regulations procedures, enforcement methods or incentive programmes to address any inadequacies identified in (2).

4. Analyze the positive role of rooming houses in providing accommodation for a segment of the housing market and make recommendations to reinforce this contribution.

The study tasks were described in detail in the revised Terms of Reference and include the following:

- o clarifying the issues;
- o determining the scale of the issue;
- o investigating the needs of rooming house tenants;
- o investigating the impact of rooming houses on local parking;
- o exploring the economics of rooming houses;
- o analyzing the zoning regulations;
- o analyzing the housing standards;
- o analyzing the licencing procedures;
- o analyzing the changing role of rooming houses;
- o recommending changes in the regulations and procedures;
- o recommending changes in enforcement;and,
- o recommending changes in incentives and government programmes.

The study methodology is described in Appendix E. It should be pointed out that due to time and budgetary constraints, the primary focus of the study was on rooming houses, not boarding houses where meals and other services are also provided. Much of the available data on the numbers of rooming houses, however, covered both rooming and boarding houses and it was not possible to look at rooming houses only. Other aspects, e.g., the economics of rooming houses, the survey of tenants and the survey of rooming house operators, looked at rooming houses only. Because of the complexity of issues surrounding boarding homes, little attempt was made to analyze their special problems or to make recommendations pertaining to them.

1.4 Rooming Houses: An Overview

Before discussing the findings of this study, it is useful to define more clearly what a rooming house is and examine the context within which rooming houses are provided.

1.4.1 What is a Rooming House?

Generally speaking, a rooming house is a type of shared housing in which a number of rooms are offered for rent. These rooms do not have private bathrooms and kitchens, although often minimal cooking facilities, e.g. a hot plate, are provided in the rooms. Bathroom facilities are shared with other roomers and often shared cooking facilities are available. Rooms differ from self-contained units which have their own private cooking and bathroom facilities.

Rooming houses should be distinguished from boarding houses. Boarding houses are generally considered to be a particular type of rooming house in which one or more meals are provided on the premises for the tenants. In some cases, boarding houses also provide some level of nursing or other personal care.

The City of Toronto defines "rooming house" in a more specific manner in various by-laws including the Rooming House By-law (see Section 5.1.) The Rooming House By-law definition is used to determine which premises must have a licence in order to continue to operate, and are also subject to various other controls. A "rooming house" contains two or more rooms and accommodates five or more tenants. Rooming houses may also contain one or more self-contained dwelling units in addition to the rooms.

It also should be appreciated that the renting of rooms to three or fewer tenants is a permitted use in most dwelling houses in the City. This use is legal and does not require a licence.

In its zoning by-laws, the City also identifies another hybrid category: "converted dwelling and lodging house." This is essentially defined as a dwelling house converted to accommodate two or more dwelling units and one or more rooms. A "converted dwelling and lodging house" can also become a rooming house when it reaches the occupancy levels noted above. The definitions of rooming houses under various municipal by-laws will be discussed in considerable detail in Section 5 of this report.

Another category of rooming house activity which may operate "legally" but circumvents the rooming house licencing by-law are "quasi-rooming houses". These are converted dwellings containing two, three or more self-contained units that can accommodate groups of unrelated people, often exceeding the rooming house threshold. Nevertheless, for technical reasons, these operations are not defined as rooming houses by the City. It was the apparent increase in illegal and quasi-legal rooming house operations which gave rise to this planning study.

1.4.2 The Social, Political and Economic Context

Rooming houses make an important contribution to the stock of affordable housing for low-income singles. However, various regulatory and economic pressures have led to a significant decline in the number of rooming houses.

Prior to the early 1970's rooming houses were much more predominant as a form of accommodation. Following a series of fires and in an effort to improve safety and living conditions in rooming houses, the City of Toronto passed a by-law requiring all absentee-owned rooming houses to be licenced. This often required extensive repairs to bring the buildings up to the new standards. In 1981, licencing was extended to include owner-occupied and non-profit rooming houses. The Province has also systematically tightened Fire Regulations governing rooming houses since 1974.

Various zoning amendments made in the late 1970's were invoked by the City regarding rooming houses in an attempt to control bachelorettes. Many of the restrictions were directed at rooming houses because they were seen as a backdoor to bachelorettes. Many of these controls have inadvertently tended to limit the viability of rooming houses or to drive some rooming house operations underground.

At the same time, the influx of more affluent households back to the downtown has tended to reduce the supply of rooming houses. "Whitepainting" has transformed many former rooming houses into single family houses or to more expensive self-contained rental units.

Rooming houses, albeit diminished in supply, continue to play a significant role in the City in providing affordable housing for lower-income individuals. They tend to serve several needs: temporary or transitional housing for students, those who have just moved into the community, those recently divorced or separated, etc.; and, permanent housing for lower-income individuals who cannot afford a larger self-contained dwelling (some of whom have come from the hostel system), or for those who choose to live in this type of arrangement because they don't want their own self-contained dwelling.

The City has long recongized the important role of rooming houses. In addition to ensuring that adequate standards are met (for the benefit of tenants and local residents), the City has also acquired and managed its own stock of rooming houses through Cityhome, although the size of this stock is limited. Furthermore, City Council is currently looking into the possibility of acquiring and rehabilitating existing properties in the City of Toronto to provide additional housing for low-income singles. Other City initiatives are discussed in Section 8.0 of this report.

It is well known that the City of Toronto is in the midst of a housing shortage, especially of affordable rental housing. Therefore, any changes in the regulatory framework affecting rooming houses impacts particularly on low-income singles for whom housing options are limited. Until recently low-income singles were ineligible for rent-geared-to-income assistance and while they now qualify for such assistance, there is only a limited supply of assisted housing available for individuals. Also, because of the general shortage of affordable rental housing more affluent households are beginning to compete for rooms in rooming houses and are able to pay higher rents. Since the late 1970's there has been a dramatic increase in homeless persons in the Toronto area, in large part due to the declining rooming house stock.

While the supply of affordable rental housing has been decreasing, there has been a rapid increase in prices in the home ownership market. This rapid escalation has attracted speculators into the market whose activity further drives up the price of housing. Illegal or quasi-legal rooming house activity provides one interim use while housing is being held for speculation. The extreme shortage of housing means that there are plenty of people who have no choice but to live in substandard housing often offered in such dwellings. At the same time the high price of housing provides an incentive for other more legitimate operators who are tired of the headaches associated with this demanding enterprise, to sell their property.

It is within this context of an extremely tight rental market for low-income singles, a declining supply of affordable rental accommodation in general, and, escalating property values for ownership housing that issues around rooming houses must be viewed.

1.5 A Balanced Approach

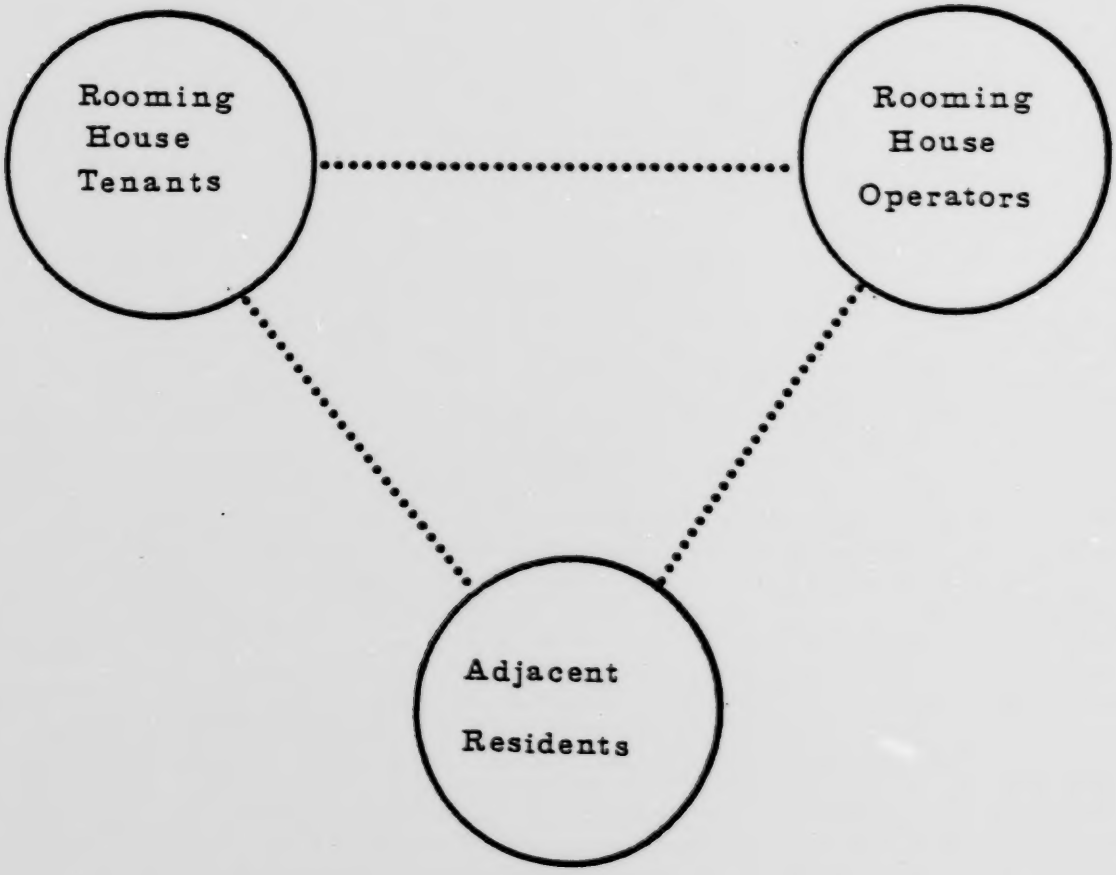
In undertaking this study, the consultants have tried to balance the needs of the three main interest groups affected by rooming houses and attendant regulations and programs: rooming house tenants, rooming house operators and local residents.

The study starts with the position that there is a clear and continuing need for rooming houses to provide housing for low-income singles. In most cases, properly run rooming houses are acceptable in most neighbourhoods.

In the present housing crisis, however, there is a potential for unscrupulous operators to take advantage of the less well-off by providing unsafe and overcrowded housing. Therefore, there is a need for controls to protect both tenants and neighbourhoods from the less savory operators. These regulations, on the other hand,

must be carefully formed. Regulations that are too restrictive will only drive this activity underground which only exacerbates the problem the regulators are attempting to control.

Groups Most Affected By Rooming House By-Laws, Regulations & Programs



2.0 THE NATURE OF THE ISSUES

In the early stages of the study, the consultants sought to clarify the nature of the issues to be addressed. This was done through a series of interviews with councillors and aldermen in the West End (as well as with City councillors and aldermen opposed to the interim control by-law or with a specific interest in housing issues) and selected municipal officials. As the study progressed, the issues were clarified through discussions with representatives of residents' groups in the West End and additional interviews with municipal staff.

2.1 Major Concern Over "Bad Operators"

Politicians and residents were primarily concerned with illegal rooming house operations,i.e., those rooming houses which were operating without complying with municipal regulations. There was general agreement that rooming houses are a necessary and important part of the current housing stock, at least in the shorter-term until other affordable alternatives are available. Rooming houses which are poorly run and maintained are creating a stigma for the majority of rooming houses which are well run.

Residents had more of a problem with absentee-owned rooming houses since they didn't know whom to contact if there were problems with tenants or lack of maintenance. Non-profit rooming houses and owner-occupied rooming houses were generally well accepted.

2.2 Rooming House Chains

One of the activities which gave rise to the rooming house study was the perception that one or more companies were creating rooming houses illegally through converted dwellings and that this was being done on a large scale basis in the West End of the City. It was suggested that because of the rapid escalation in house prices and the acute shortage of affordable rental housing, speculators were entering the rooming house sector in a big way and were able to find tenants for substandard, crowded accommodation. It was also argued that many tenants of such rooming houses were recipients of welfare assistance from the Metropolitan level of government or from the Province. Residents adjacent to such properties complained of a lack of management, anti-social behaviour of residents and "block-busting." It was also argued that drastic measures were needed to deal with these operators whom it was alleged were well financed and had hired sophisticated legal advice.

2.3 Concern with Conversions Mainly as a Backdoor to Rooming Houses

In the original study, there was considerable emphasis on examining both rooming houses and converted dwellings and their impact on local neighbourhoods. Converted dwellings were initially covered by the interim by-law because of some cases of their being used as a means of creating illegal rooming houses (by having a number of unrelated persons renting rooms in each separate dwelling unit in a converted duplex or triplex). However, during the course of the study, it was learned that conversions were considered much less of a threat to neighbourhood stability and the study focus shifted towards rooming houses rather than converted dwellings (except insofar as they provided a back door to rooming houses).

2.4 General Frustration with Enforcement

A common theme which cut across discussions with almost all of those interviewed was the feeling the City couldn't deal adequately with illegal rooming house operations because of lengthy court procedures, inadequate levels of fines and the inability of municipal staff to verify whether or not the operations were illegal.

Outside of the licenced rooming houses, the City only inspects buildings when there are complaints. Even then, City officials seemed to have little power to clamp down on illegal operators because of the difficulty of getting access into the unit. A search warrant is needed to enter a building and it is difficult to obtain a search warrant for suspected zoning and housing standards violations.

2.5 Negative Impact on Neighbourhoods

A major concern of local residents and West End elected officials was the impact of rooming houses on local neighbourhoods. Residents seemed concerned about three major issues: parking, poor maintenance and upkeep, and, disruptive behaviour of tenants.

Because parking is seen to be a problem generally in the West End, many residents felt that rooming houses only add to an already impossible situation. The observed parking problems in various areas in the West End are described later in this report.

Other than the parking issue, residents were concerned about disruptive behaviour of some rooming house tenants and a lack of maintenance of some rooming houses. Residents seemed most concerned about illegal rooming houses against whom the City seemed to take so long to require corrective action. Even in the case of absentee owned legal rooming houses, however, some residents felt they didn't maintain their properties as well as those that were owner-occupied and that it was difficult to know to whom to complain in the case of problems.

There was a general perception that owner-occupied homes were more acceptable because the owner had more of a commitment and investment in the local neighbourhood and that they were more accountable than absentee-owned rooming house. There were no complaints regarding non-profit rooming houses.

Many residents argued that by their very nature rooming houses were incompatible with a stable, residential neighbourhood. They argued that because units were small, people living in rooming houses were forced out onto the street to relax and socialize. Most accepted the need for rooming houses but wanted better controls and stronger enforcement of regulations. Others felt that rooming houses were a poor answer to the housing shortage and more affordable permanent housing should be provided.

2.6 A Housing or Social Problem

Many of those involved with housing policy and the provision of the housing for low-income individuals suggested that the rooming house problem was not a "housing problem" but a "social problem". People who have inadequate income often have other problems associated with poverty. They need, firstly, more income and secondly, may need supervision and/or social support services. Many in the housing and social service field felt that the so-called bad operators were accommodating people no one else would take. Landlords of more expensive accommodation were usually more selective (because the dwelling was usually in better condition) and non-profit agencies often were more selective in choosing tenants.

2.7 Needs of Tenants

A number of aldermen and Councillors and many of those involved in the housing field were concerned that any changes to enforcement and licencing of rooming houses shouldn't jeopardize the rights or needs of rooming house tenants. Tenants' needs include affordable housing, a healthy and safe environment, a decent living environment and the right to choose where to live. Thus, the major challenge of this study and for the City is to balance the needs of local residents against those of tenants who reside in rooming houses.

2.8 The Role of Rooming Houses

One of the major issues which faces the City at this time is the role of rooming houses within the spectrum of housing solutions to the current housing shortage. The City needs to decide on a more <u>consistent</u> message to rooming house operators and the public at large regarding rooming houses. Currently, "rooming houses" tend to have a rather negative image in the public's mind. This is discouraging to those who operate or are considering operating rooming houses. There is also a need to sort out the City's role

beyond that of regulator and monitor. Finally, the role of non-profit rooming houses in meeting the needs of low-income singles must also be examined.

2.9 Complicated Nature of Municipal By-laws and Regulations

Many residents, rooming house operators and tenants find regulations governing rooming houses complicated and difficult to understand. Not only is it unclear what the by-laws and regulations are (or mean), they also find it difficult to understand who is responsible for a given problem at City Hall and between various levels of government. Finally, a number of those involved in rooming house operations do not speak English very well and are frustrated by their lack of understanding of what is required of them.

2.10 Enforcement Versus A More Positive Approach

One of the issues which this study will examine is the need to develop incentives which will bring more of the rooming house operators into the system. The current system is perceived to be punishing those who want to co-operate with City Hall and rewarding those who operate illegally. Thus, it is necessary to develop rewards for those who are co-operating and be tougher with those who aren't.

2.11 The Need for Inter-Governmental Solutions

The "rooming house problem" crosses all four levels of government: the local municipal level, the Metropolitan level, the Province and the Federal government. All four levels have an interest in housing and meeting the needs of low-income singles and have a part to play in solving the current problem. Thus, there is a need for more co-ordination in dealing with rooming houses across all levels of government.

3.0 SCALE OF ROOMING HOUSE ACTIVITY

This section examines the magnitude of rooming house activity in the West End and across the City. It also looks at the main characteristics of rooming houses in the West End, and how these have changed in the recent years.

Most of this section is devoted to licensed rooming houses. This is not meant to suggest that the licensed properties represent most of the rooming house activity. It merely reflects that most of the available data is for the licensed sector. There are many indications of substantial illegal activity. However, by its very nature, this activity is difficult to detect and document, thereby limiting the quantitative analysis that can be undertaken.

3.1 Licensed Rooming Houses

Most of the data on licensed rooming houses comes from the files kept by the City. While there are some problems with this data as noted in the text, it does provide a valuable and reliable source of information on this activity.

3.1.1 Numbers and Distribution

There are currently 164 licensed rooming houses in the West End (see Table 3.1.1a). This represents 27% of the total 600 across the City.

Ward 2 contains over half of those in West End. Ward 4 has about a quarter, and the remainder is split between Wards 1 and 3.

The largest concentration of licensed rooming houses occurs in sub-ward 2-1, which is called "South Parkdale" and located south of Queen Street and west of Dufferin (See Figure 3.1). There is also a relatively large number in sub-ward 2-2, especially on High Park Boulevard between Roncesvalles and High Park and in the area to the north up to Bloor. The third largest number is in 4-4, but except for those along Palmerston Ave on east, these are somewhat more scattered.

In addition to these rooming houses actually licensed, there are 7 applications for new properties not currently licensed in the West End, and 15 applications elsewhere in the City. These are noted here because they represent a potential source of discrepancy. Although not licensed, they are conventionally included in the list of licensed rooming houses. For this reason, the licensed rooming house files for this date indicate a total of 171 rooming houses in the West End and 622 for the entire City.

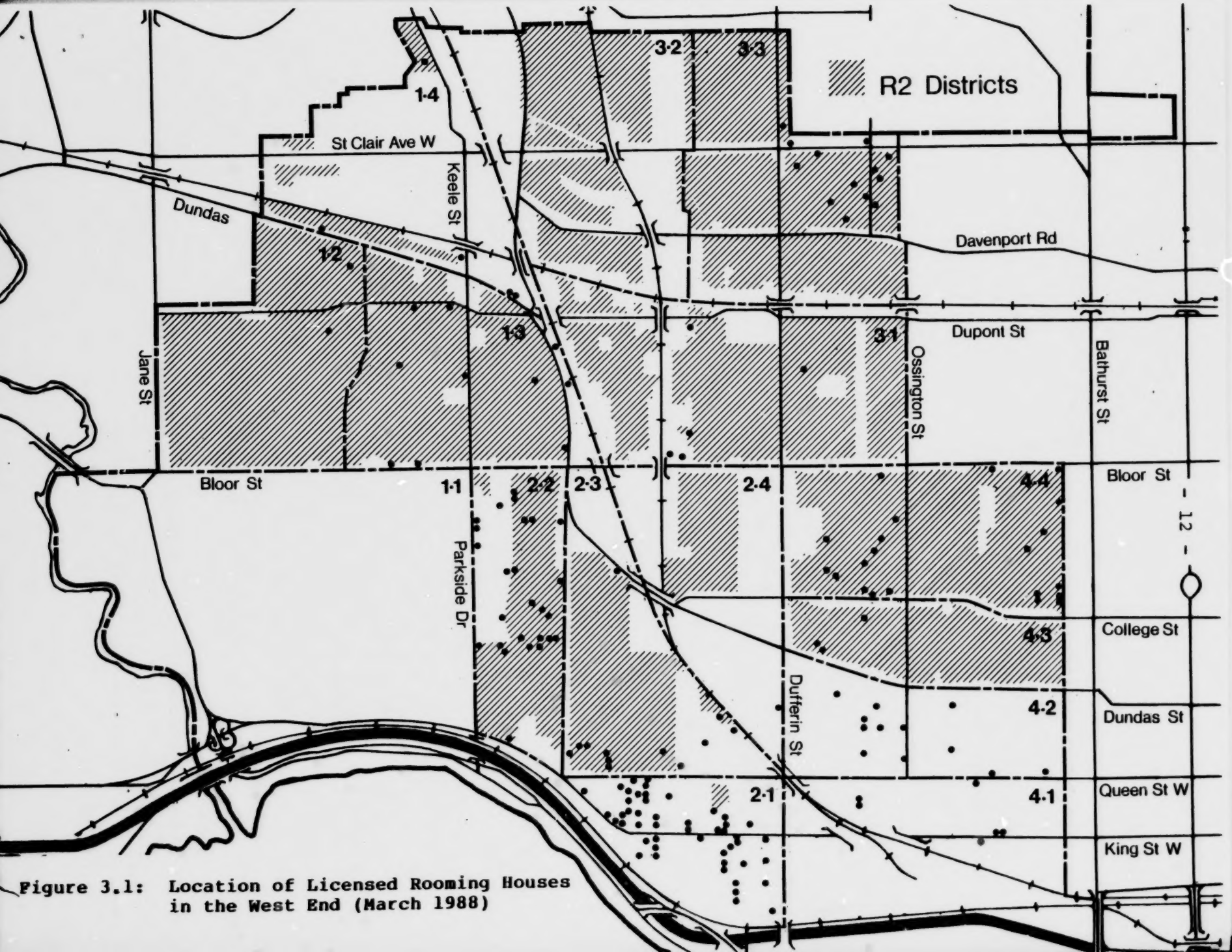


Figure 3.1: Location of Licensed Rooming Houses in the West End (March 1988)

Table 3.1.1a: Licensed Rooming Houses - 1988

Ward	"Listed" Rooming Houses*	New Applications	"Actual" Rooming Houses*	% of West End	% of City
1-2	2	0	2	1.2	0.3
1-3	13	0	13	7.9	2.2
1-4	3	0	3	1.8	0.5
Ward 1	18	0	18	10.9	3.0
2-1	49	2	47	28.7	7.8
2-2	27	0	27	16.5	4.5
2-3	12	1	11	6.7	1.8
2-4	1	0	1	0.6	0.2
Ward 2	89	3	86	52.5	14.3
3-1	5	0	5	3.0	0.8
3-2	1	1	0	0.0	0.0
3-3	13	0	13	7.9	2.2
Ward 3	19	1	18	10.9	3.0
4-1	6	0	6	3.7	1.0
4-2	12	0	12	7.3	2.0
4-3	4	1	3	1.8	0.5
4-4	23	2	21	12.8	3.5
Ward 4	45	3	42	25.6	7.0
Sub-Total	171	7	164	99.9	27.3
Ward 5	148	2	146		24.3
Ward 6	130	6	124		20.7
Ward 7	109	1	108		18.0
Ward 8	18	3	15		2.5
Ward 9	18	3	15		2.5
Ward 10	22	0	22		3.7
Ward 11	6	0	6		1.0
Sub-Total	451	15	436		72.7
TOTAL	622	22	600		100.0

* See text for difference between "listed" and "actual".

Source: Licenced Rooming House Files, Property Information, Department of Buildings and Inspections, Mar 1988.

Table 3.1.1b: Licensed Rooming Houses 1982-1988*

Ward	July 1982	Mar 1983	Aug 1983	Mar 1984	Jan 1986	Nov 1986	Mar 1986	Mar 1988
1	22	25	20	20	23	29	21	18
2	77	77	85	78	86	108	91	89
3	15	14	11	18	13	25	21	19
4	30	34	37	48	43	58	47	45
Sub	144	150	153	164	165	220	180	171
5	168	154	182	182	148	192	169	144
6	151	149	140	163	113	164	136	131
7	97	106	119	128	107	139	128	110
8	12	7	12	13	16	19	18	18
9	7	10	6	8	14	18	18	18
10	26	24	25	22	17	21	22	22
11	9	5	8	7	5	9	7	6
Sub	470	455	492	523	420	562	498	449
TOT	614	605	645	687	585	782	678	620

* The licensed rooming house data is available on a property-by-property basis back to January 1986, when the current computer-based file system was initiated. Before that date back to July 1982, only limited data is available, and this on a ward-by-ward basis.

The data generally includes rooming houses for which applications have been received but not approved. This anomaly can be corrected on the computer-based data, but not on th earlier material. Therefore, this table uses a somewhat different data base than the data shown for the current year.

Table 3.1.2: Ownership of Licensed Rooming Houses - 1988

Ward	Class:* 1	2	3	4	5	Total
1-2	1	1	0	0	0	2
1-3	4	5	3	0	1	13
1-4	0	2	1	0	0	3
Ward 1	5	8	4	0	1	18
2-1	6	29	7	0	5	47
2-2	10	15	2	0	0	27
2-3	5	4	0	0	2	11
2-4	0	1	0	0	0	1
Ward 2	21	49	9	0	7	86
3-1	0	5	0	0	0	5
3-3	6	7	0	0	0	13
Ward 3	6	12	0	0	0	18
4-1	0	5	2	0	1	8
4-2	2	7	0	0	0	9
4-3	2	2	0	0	0	4
4-4	5	14	1	0	1	21
Ward 4	9	28	3	0	2	42
TOTAL	41	97	16	0	10	164
	25.0%	59.1%	9.8%		6.1%	100.0%

* Definitions:

1 = rooming house in which the registered owner occupies a dwelling area of at least 250 ft^2 as a personal residence.

2 = rooming house of not more than three storeys and basement in height, and containing 14 or less units, of which not more than four units are located on the third.**

3 = rooming house of not more than three storeys and basement in height, and containing more than 14 dwelling units.**

4 = rooming house of more than three storeys and basement in height.**

5 = rooming house which is occupied by a co-operative or a non-profit organization.

** These categories exclude classes 1 and 5.

Source: Licenced Rooming House Files, Property Information, Department of Buildings and Inspections, Mar 1988.

The data for previous years indicates that across the City the overall number of licensed rooming houses has remained more or less the same (although there was a significant fluctuation in 1986). There were 620 rooming houses in 1988, compared with 614 in 1982 (see Table 3.1.1b). As is discussed below, historical data suggests that when looking at the total picture, however, there has been a decline in rooming houses.

There is some additional data that provides a historical context for these figures. In 1976, the Buildings Department estimated that at least 1,600 absentee-owned rooming houses across the City would require licenses. However, this number was never achieved. Only 622 licenses were issued in 1977, 608 in 1978, 512 in 1979 and 397 in 1980. The current number of absentee-owned licensed rooming houses in the City is 424. This seems to indicate that the licensing requirements, along with the associated changes in the fire code, were found to be too onerous by many absentee-owners, and either drove them out of business or underground.

Between 1982 and 1988, there has been a marginal shift in rooming house activity towards the West End. The number of properties increased from 144 to 171, or by 19%. The proportion of rooming houses in the West-End increased from 23.5% to 27.6% of those across the City. The increase occurred mostly in Wards 2 and 4.

3.1.2 Ownership

The ownership of the licensed rooming houses is defined by one of five classes, but these can be reduced to three main categories (see Table 3.1.2):

- 25% are owner-occupied (Class 1);
- 69% are absentee-owned (Classes 2, 3 and 4);
- 6% are non-profit (Class 5).

There is little indication of concentration of ownership. One non-profit organization owns 5 rooming houses, while the other five non-profit properties are all owned singly by different organizations.

Of the absentee-owned rooming houses in the West End, there are 22 multiple-owned properties with this breakdown:

- 1 owner with 4 rooming houses,
- 2 owners each with 3 rooming houses, and
- 6 owners each with 2 rooming houses.

Corporate ownership is also limited. A corporation owns the four properties noted above, but this is the only corporation with more than one licensed rooming house, and it owns none outside the West End.

Table 3.1.3: Renewals of Licensed Rooming Houses - 1988

Ward	Renewed Licence	New Owner	New Property	Total
1-2	2	0	0	2
1-3	11	2	0	13
1-4	2	1	0	3
Ward 1	15	3	0	18
2-1	40	7	0	47
2-2	24	3	0	27
2-3	3	4	4	11
2-4	1	0	0	1
Ward 2	68	14	4	86
3-1	4	1	0	5
3-3	10	3	0	13
Ward 3	14	4	0	18
4-1	8	0	0	8
4-2	7	2	0	9
4-3	3	1	0	4
4-4	18	3	0	21
Ward 4	36	6	0	42
TOTAL	133	27	4	164
	81.1%	16.5%	2.4%	100.0%

Source: Licenced Rooming House Files, Property Information, Department of Buildings and Inspections, Mar 1988.

Owner-occupied and absentee-owned properties appear to be equally distributed across the four wards. In other words, none of the particular types in these two groups seem to be overly concentrated in any area. On the other hand, the non-profit rooming houses are concentrated in Ward 2.

Out of the seven applications for new rooming houses, five are for absentee-owned properties, and two for owner-occupied.

The historic data indicates the ownership of the rooming houses is shifting steadily away from owner-occupation and toward absentee-ownership. The survey undertaken for the Peat Marwick study in 1974, entitled Rooming House By-Law Impact Study, indicated that 31% of the rooming houses had "resident owners." In March 1983, the licensing files showed that 27% of the rooming houses across the City were owner-occupied. The corresponding figure for March 1988 is 21%. In the West End alone, there was a less significant drop from 29% to 25% between 1983 and 1988.

3.1.3 Renewals

Licensed rooming houses are divided into four "types" regarding new and renewed licenses, but for this analysis, they can be combined into these three groups (see Table 3.1.3):

- 81% of the current licensed rooming houses came from renewed licenses from the same owner.
- 2% came from new properties not licensed in the previous year.
- 16% came from new owners of previously licensed properties. (This figure includes the fourth category, the "transfers" in which the licenses were transferred without application by notifying the City within the prescribed period.)

The licensing renewals indicate there is some degree of stability in the properties being used for licensed rooming houses. Relatively few rooming houses are being added from previously unlicensed properties, while those properties being used as rooming houses remain in this use. This is shown by these two factors:

- As previously noted, only 4 -- or 2.4% -- of the currently licensed properties came from new properties without a license.

Table 3.1.4: Zoning of Licensed Rooming Houses - 1988

	R2	R3	R4	C1	C2	C3	I1	Total
1-2	2	0	0	0	0	0	0	2
1-3	6	0	2	4	1	0	0	13
1-4	1	0	0	0	1	1	0	3
Ward 1	9	0	2	4	2	1	0	18
2-1	0	0	46	0	0	0	0	46
2-2	26	0	0	1	0	0	0	27
2-3	8	0	3	0	0	0	0	11
2-4	0	0	1	0	0	0	0	1
Ward 2	34	0	50	1	0	0	0	85
3-1	4	0	0	0	0	0	1	5
3-3	12	0	0	1	0	0	0	13
Ward 3	16	0	0	1	0	0	1	18
4-1	0	3	3	0	0	0	2	8
4-2	0	0	7	0	2	0	0	9
4-3	3	0	0	0	0	1	0	4
4-4	21	0	0	0	0	0	0	21
Ward 4	24	3	10	0	2	1	2	42
TOTAL	83	3	62	6	4	2	3	163=
	51%	2%	38%	4%	2%	1%	2%	100%

Source: Central Property Registry, City of Toronto, May 1988.

* One property not recorded.

- o 101, or 62%, of the properties currently licensed for rooming houses were also licensed in January 1982, which is the oldest available property-by-property data. The breakdown by ward is as follows:

  - 56% in Ward 1,
  - 78% in Ward 2,
  - 44% in Ward 3, and
  - 40% in Ward 4.

Although the properties remain stable, there appears to be considerable change in ownership and occupation within these properties. Many of these properties drop their licenses for short periods. Out of the 101 properties appearing in both the 1982 and 1988 rooming house lists, 19 -- or 19% -- did not appear on the March 1986 lists. This check was made for only one date; presumably, other dates would reveal other interruptions in the licenses.

3.1.4 Zoning

51% of the rooming houses are in R2 districts, and 38% are in R4. The remainder are in R3, C1, C2, C3 and I1 (see Table 3.1.4). Most of the R4 properties occur in sub-ward 2-1, while the remainder are largely in 4-1 and 4-2. These areas contain no R2 housing. The largest number of R2 properties occur in 2-2, followed closely by 4-4.

The Zoning By-law does not now permit rooming houses in C2, C3 and I1 districts. The existing rooming houses in these areas are legal non-conforming uses that pre-date the regulations.

52 of the 83 properties in R2, or 63%, are absentee-owned rooming houses. This category of property is affected by the interim control by-law.

3.1.5 Number of Rooms

The licensed rooming house files do not list the number of rooms in the rooming houses, but this information is collected on the applications. A review of this data was made in 1983. It indicated that the average number of rooms per rooming house across the City was 9.8, while that in the West End was 9.3 (see Table 3.1.5a). The rooming houses in Ward 1 were somewhat larger on average, while those in Ward 3 smaller. These numbers are not likely to have changed much since then.

Applying these average rooming house sizes to the current number of rooming houses indicates that there are approximately 1600 rooms under license in the West End.

Table 3.1.5a: Size of Licensed Rooming House - 1983

Ward	Licensed Rooming Houses	Rooming House Suites*	Average Suites/ Rooming House
1	20	237	11.8
2	85	784	9.2
3	11	77	7.0
4	37	331	8.9
Sub-Total	153	1429	9.3
5	182	1735	9.5
6	140	1585	11.3
7	119	1129	9.5
8	12	74	6.2
9	6	52	8.7
10	25	255	10.2
11	8	75	9.4
TOTAL	645	6334	9.8

Source: Rooming House Files, 9 August 1984.

* "Suites" include both rooms and combinations of rooms that accommodate a single household; in some case a suite may be self-contained, but the typical suite consists of a single room, the occupant of which must share some facilities with the occupants of other suites.

Table 3.1.5b: Distribution of "Class 3" Licensed Rooming Houses* - 1988

Ward	Zoning: R2	R4	C2	I1	Total
1.3	2		1		3
1.4			1		1
2.1		6			6
2.2	2				2
4.1		1		2	3
4.4	1				1
Total	5	7	2	2	16

* rooming houses with more than 14 dwelling units.

The files only identify large absentee-owned rooming houses that contain more than fourteen dwelling units (see Table 3.1.5b). The West End contains 16 of these properties. Most are in Ward 2, but Ward 1 contains a disproportionate number. This may help to explain why Ward 1 has the somewhat larger average number of rooms per rooming house.

All of these large rooming houses are legal non-conforming uses. Those in R2, R3 and R4 districts are larger than would be currently allowed (see Section 4.2.1)., and those in C2 and I1 are no longer a permitted use.

3.2 Unlicensed Rooming Houses

The licensed rooming houses do not represent all rooming house activity in the City. There are clearly many other similar properties operating without a license. Some of these are illegal operations, and others are exploiting the "grey areas" of the current zoning regulations. In any case, these additional properties are difficult to identify because, by their very nature, they operate outside the purview of the municipality.

In an attempt to assess the extent of this illegal activity, many data sources were checked. Most proved to be unreliable or unhelpful. The resulting picture of the unlicensed activity, therefore, is only a limited one.

3.2.1 "Active" Rooming House Files

The Buildings and Inspections Department maintain files listing properties where there has been an infraction, or a suspicion of an infraction, against the municipal by-laws. Most of these files come from complaints. The local inspectors will have investigated the complaint, but in many cases will not have been able to resolve it -- most often, because of an inability to gain access to the property.

The "active" files of possible infractions of the Rooming House By-law provide a good indication of actual or suspected rooming house activity. In the West End, the "active" rooming house files indicate 130 unlicensed properties for which there is some suspicion of illegal rooming house activity.

In comparison with the present distribution of rooming houses within the West End, a relatively large number of these are occurring in Wards 1 and 3. The breakdown by ward is as follows:

- 23 in Ward 1,
- 42 in Ward 2,
- 37 in Ward 3, and
- 28 in Ward 4.

The lack of licensed operations in Wards 1 and 3, coupled with the relatively high incidence of possible illegal activity, is most likely a result of the more restrictive zoning provisions here. As well, Wards 1 and 3 are almost exclusively R2 residential districts, whereas Wards 2 and 4 combine both R2 and R4. The rooming houses permitted in R2 are much smaller than those in the R4 districts (See Section 5.2.1).

This data may underestimate the number of suspected rooming houses on City files. Some complaints regarding possible rooming houses may be filed as zoning or housing standards matters. A check was not made of these additional files, but staff are of the opinion there might be another 25-33% revealed here. This would indicate a total of 160-175 possible illegal rooming houses in the West End.

It should be further noted that this number does not necessarily include all of the possible illegal activity. Because these files come primarily from complaints, any illegal rooming house that goes undetected is not likely to be noted on these files.

3.2.2 Current Court Actions

The City is now in the process of taking legal action against 60 properties as illegal rooming houses.* In these cases, the City has collected what it considers to be conclusive evidence of an illegal operation. 34, or 57%, of the illegal operations are in the West End. This indicates that a disproportionate level of illegal activity is occurring in this area.

The breakdown of the current proceedings against illegal operations in the West End is as follows:

1) 15 properties have charges pending (79% of those across the City);
2) 10 have prosecutions underway (42%): and
3) 9 have outstanding orders or injunctions before the courts (53%).

3.2.3 Social Service Referrals

A list of rooming houses used by the social service agencies was compiled, to assist in ascertaining what other rooming houses might exist in the West End. Referrals are being made to at least 76 unlicensed operations with four or more roomers.

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* Confidential internal data, Department of Building and Inspections, 18 August 1988.

Table 3.2.4: Comparison of Licensed & Assessed Rooming Houses: 1987

Ward	Licensed List	Assessed List	Both Lists	Licensed Only	Assessed Only
1-1	0	1	0	0	1
1-2	2	6	0	2	6
1-3	17	11	7	10	4
1-4	3	2	1	2	1
Ward 1	22	20	8	14	12
	11.8%	13.6			
2-1	52	55	24	28	31
2-2	27	27	12	15	15
2-3	11	15	3	8	12
2-4	3	3	0	3	3
Ward 2	93	100	39	54	61
	49.7	68.0			
3-1	6	1	0	6	1
3-2	0	2	0	0	2
3-3	15	6	3	12	3
Ward 3	21	9	3	18	6
	11.2	6.1			
4-1	9	2	1	8	1
4-2	11	6	2	9	4
4-3	7	1	1	6	0
4-4	24	9	3	21	6
Ward 4	51	18	7	44	11
	27.3	12.2			
TOTAL	187	147	57	130	90

Source: Licenced Rooming House Files, Property Information, Department of Buildings and Inspections, Mar 1988. Assessment Data, Research and Information Section, Planning and Development Department, City of Toronto.

3.2.4 Assessed Rooming Houses

The Ministry of Revenue identifies boarding/rooming houses as a separate residential property type in its annual assessment rolls. A comparison was made between the list of licensed rooming houses and those assessed as rooming houses for purposes of property taxes. This was done for 1987, the most recent year for which there was assessment data (see Table 3.2.4).

There are substantial differences between the two sets of data. 187 properties were licensed in 1987 in the West End, and 147 were assessed as rooming houses. Although these two numbers were similar, there was little agreement on the actual properties. Only 57 properties appeared on both lists. 130 were on the licensed list only, and 90 on the assessed list only.

Despite initial suspicions that this list indicated a number of illegal operations, the limited evidence that is available does not support this possibility for the following reasons:

- The data misses most of the licensed rooming houses. If the assessment data was a reliable indicator of rooming house activity, it should at the very least pick-up the legal operations that are on the public records.

- It is unclear what is being assessed as a rooming house. The Toronto Regional Assessment Office reported that there are no criteria for determining when a building is a rooming house. It was suggested that the rooming house category is a "catchall" for multi-occupied buildings that do not fall into other categories.

- Even if these properties contained rented rooms, many may do so without requiring a license. Staff in the Building and Inspections Department are aware that many potential rooming houses operate at a reduced occupancy. This enables them to escape meeting the additional building requirements, especially those set by the Fire Code.

- During the course of the survey conducted for this study, 26 of the assessed properties -- all in R2 districts -- were visited. Only two of these at the most looked like rooming houses. 15 of the owners said that no rooms at all were rented.

Thus, the definition of a "rooming house" according to assessment data does not often correspond to the City's definition.

A separate review of assessment data by City Staff did suggest multiple ownership of over a dozen properties by a rooming house operator in the West End. None of these were licensed rooming houses. The study team was unable to verify the use of these properties due to lack of access to the buildings.

Table 3.3: Parking Permits for Licensed Rooming Houses - 1988

Ward	Number of Permits per Rooming House: 8	6	5	4	3	2	1	Properties	Permits
All Properties									
1		1				1	3	5	11
2	1	1	2		7	7	14	32	73
3							1	1	1
4					2	6	4	12	22
Total Properties	1	2	2		9	14	22	50	
Total Permits	8	12	10		27	28	22		107
R2 Properties									
1						1	3	4	5
2	1	1	2		6	7	6	23	62
3							1	1	1
4					1	5	4	10	17
R2 Properties	1	1	2		7	13	14	38	
R2 Permits	8	6	10		21	26	14		85

Source: Parking Permit Files; Permit Parking Branch; Department of Public Works; May 1988.

3.3 Parking Provision

The examination of parking drew from two data sources: the parking permit data and the tenant survey undertaken for this study.

3.3.1 Parking Permits

Parking permits have been issued to 50, or 30%, of the licensed rooming houses in the West End (see Table 3.3). Most of the rooming houses have more than one permit. The largest number is eight permits for one property, and six for two others.

In total, 107 permits have been issued for the 164 properties. Out of this, 4 have been issued to the owner-occupants. On average, this means that the licensed rooming houses generate an on-street parking demand of 0.63 spaces per rooming house. If there are 9.3 rooms on average per rooming house as previously indicated, this translates to an average of 0.07 on-street parking spaces per room.

In the R2 areas alone, 85 permits have been issued for 38 properties. Two of these are for the owner-occupants. When averaged across all 83 rooming houses in this zoning category, this amounts to 1.00 on-street space per rooming house.

All three properties with 6 or more permits are in class 3, which means they have 14 or more units. One is in a C2 district, and the other two in R2 districts. The C2 property and one of the R2 are on main arterials. These are the only permits issued to the 16 rooming houses in this class.

3.3.2 Car Ownership

The survey undertaken for this study contacted 46 roomers, all in R2 districts (see Section 4.0). Out of these, 32 did not own a car, 13 owned one and 1 owned two. This represents on average 0.33 cars per roomer.

Assuming there is only one roomer per room, for example, this figure matches the current on-site parking requirement of 1 space per three rooms (see Section 5.2.5). However, it is likely there is some sharing of rooms, which suggests the current parking requirement may be marginally on the high side.

These figures indicate that the parking requirements, if met, would eliminate any need overall for on-street parking. However, as indicated above, there still is some on-street parking. The possible explanation is that many of these rooming houses pre-date the current parking requirements.

Out of the 15 cars identified in the tenant survey, 8 parked on the street -- 7 with a permit (including the one with 2 cars) and 1 possibly without. This represents 0.17 on-street spaces per roomer on average.

Again, after making reasonable assumptions about the number of roomers per room, this figure is close to that indicated by the parking permit data for R2 properties. For example, if it is assumed that the average number of rooms/rooming house is 6, and the average roomers/room is 1, the parking permit data for R2 districts generates 1.0 on-street spaces per rooming house. However, because there likely to be some room sharing, this figure might be marginally higher. The parking permit data produced a similar figure of 1.0. These findings, however, are based on a limited review of parking conditions in the West End and a more detailed study of parking in such neighbourhoods is needed.

3.3.3 Conclusions

While recognizing the limitations of the data on the parking impact of rooming houses on local neighbourhoods in the City's West End, the data collected for this study does not suggest that rooming houses are generating a significant parking problem. The current on-site parking requirement appears to be more than adequate relative to the car ownership rates. There is some limited on-street parking, but on average this is no more than would be expected from houses in single family use. Having said this, because of the wide variation in parking provision and car ownership, it is very possible that problems do occur in local areas.

4.0 MAJOR INTEREST GROUPS AFFECTED BY ROOMING HOUSES

In this section of the report, the views of the major interest groups in the West End who are affected by rooming houses will be examined including:

- -politicians;
- -residents groups;
- -rooming house operators; and,
- -tenants.

Politicians in the West End (as well as others with an interest in housing or those who opposed the interim control by-law) were personally interviewed; several others heads of residents groups in the West End were interviewed in person or by phone; a sample of licenced rooming house operators (owner-occupied, absentee-owned and non-profit) were interviewed by phone; and, finally, a survey of individual roomers in the West End was taken using the personal interviewing technique. (A more detailed discussion of the methodology is described in Appendix E.)

4.1 Politicians

There was almost unanimous agreement among those politicians interviewed representing the West End that rooming houses are a necessary and important part of the housing stock which contributes to meeting the needs of lower-income households. However, their primary concern was with the inability of the City to enforce municipal by-laws against illegal or "quasi-legal" rooming houses, mainly absentee-owned, who were not supervising tenants and were poorly maintaining their properties.

It is the illegal operations which most West End politicians felt were responsible for the negative impacts on the neighbourhood: noisy and anti-social behaviour of some tenants, garbage on the site and low levels of maintenance. These negative impacts were said to be disrupting and destabilizing neighbourhoods. Many politicians pointed out that the poorly run rooming houses were creating a stigma for all rooming houses and that the City needed to have the power to clamp down more strongly on illegal operations.

There was a split in opinion in terms of whether or not rooming houses affected the widely acknowledged parking problems of the West End. Some felt roomers had no or little impact on parking and that tougher parking standards would shut down rooming houses; others felt that rooming houses added to existing parking problems and that tougher parking standards should be introduced.

Politicians interviewed who were not in the West End tended to feel that the impact of rooming houses was not as serious as politicians in the West End had indicated; however, their experience was based on their own wards not on the West End which may have a disproportionate share of problem tenants because of its proximity to the Queen Street Mental Hospital.

A number of politicians felt that real estate speculation in the housing market was encouraging a new type of rooming house activity based on: pooling of investment funds to purchase a large number of rooming houses, overcrowding of converted dwellings and evasion of licencing requirements through the loophole described earlier in this report. They felt that this type of rooming house chain posed a real threat to neighbourhood stability.

Most politicians focussed on the need for the City to be able to respond more effectively (faster and with much higher fines) to illegal operations or poorly run rooming houses. Some suggested more stringent controls in the licencing standards for absentee versus owner-occupied or non-profit rooming houses. It was recommended that the City should be able to shut down (or take over) poorly run operations, although it was recognized that this was difficult in view of the need for alternative housing for displaced tenants. A number of politicians mentioned the need to improve the image of rooming houses in the public's mind so as to distinguish between the majority of good operations and the minority of bad operations.

A minority of politicians mentioned that there should be distancing requirements for rooming houses. Others thought the City itself should be more active in the rooming house business by managing them directly or leasing them out to non-profits. Other solutions related to the need to request the Province to establish a municipal court run by judges with expertise in the field of municipal issues and to provide for improved rights of entry.

4.2 Residents

During the course of this study, a list of residents groups in the City's West End was prepared. Thirteen residents groups were contacted, but due to time constraints and unavailability of some residents, interviews were held with representatives of five such groups including: Dufferin/Grove Residents' Association, Ronscesvales MacDonnell Residents' Association, Regal Heights Residents' Association, Dovercourt Park Area Residents' Association, and the Runnymede-Jane Homeowners' Association. These residents groups represented a wide range ofneighbourhoods across the City's West End.

Residents views on rooming houses tended to be divided into two groups: those who could see only the negative aspects of rooming houses and those whose major concerns related to the need for better enforcement of municipal regulations.

The first group felt that rooming houses per se were antithetical to stable, residential areas. They were especially critical of absentee-owned properties where overcrowding, noise, poor property upkeep (inadequate control over garbage and the neglect of the exterior of the property) and additional parking were perceived to be negatively impacting on the local neighbourhood. Because they were absentee-owned, residents didn't know to whom to complain when they had problems.

The second group of residents were not as adamantly opposed to rooming houses, but felt that in cases where they weren't properly maintained or were over-crowded, rooming houses would contribute to a decline of the neighbourhood.

Some residents argued that because rooming houses seldom provide common facilities, that tenants are necessarily forced to socialize outside and thereby affect adjacent residents. It was suggested that rooming houses were no longer appropriate in today's society and that people needed their own self-contained unit.

A couple of residents identified increased parking as a major negative impact on the local neighbourhood; however, most did not focus on this aspect of rooming houses.

Most of those contacted, including those with the most negative views on rooming houses, said they were not opposed to rooming houses per se but rather they wanted to see them better controlled. They recognized the fact that rooming houses provided needed accommodation; however, they didn't think that this objective should be met at the expense of the quality of life in their neighbourhood.

Residents wanted more controls on rooming houses and more accountability of the rooming house operator (especially the absentee-owner) to both City Hall and to residents. Neighbours need to have some recourse for dealing with problem tenants or landlords, i.e., the name and phone number of the operator or the name of someone at City Hall who will see that problem is dealt with. Residents want to see the City acting more quickly and more forcefully to deal with illegal operations and with licenced operators who aren't meeting municipal standards or by-laws. If necessary, residents would like to see illegal operations closed down.

There was general support for the licencing of the rooming house operator (as recently passed by the City), although some felt this would be unnecessary if existing laws were enforced.

Generally, residents thought the City's role should be limited to setting and enforcing municipal standards. They felt that the long-term solution was more permanent housing for low-income singles.

4.3 Rooming House Operators

A third interest group who were interviewed (primarily through telephone interviews) were rooming house operators in R2 areas in the West End. Three owner-occupant operators, four absentee-owner operators and two non-profit groups were interviewed.

The owner-occupant rooming house operators had generallly been in business for many years (ranging from 8 to 18 years) and only ran one rooming house. The absentee-owner rooming house operators were more likely to have recently entered the rooming house business. The majority of rooming houses were larger with an average of nine rooms (one rooming house rented to twelve students with two to a room). Roomers varied considerably in age, sex and employment status although often a landlord would rent to a particulr type (e.g., all students, all middle-aged men, etc.).

The majority of rooming house operators undertook their own management and most maintained the building themselves. Most of the rooming houses provided some common facilties in addition to bathroom and common kitchen facilities. These ranged from laundry facilities to living rooms to access to porches or back yards.

Half of the rooming house operators had some complaints regarding municipal regulations: some felt they were being "hassled" by inspectors, others mentioned the difficulty of providing fire proof doors, and others mentionned they had had conflicting directions from inspectors. The other half had no problems with the City's licencing procedures or with City inspectors.

The majority of rooming house operators either didn't care if the City licenced the operator or thought it would be a good idea. Most of the operators had no problem with the suggestion that the City should be able to enter a licenced rooming house to determine if municipal regulations were being adhered to.

Most of those contacted had either not heard of various governmental assistance programs or had enquired and found they weren't elgible.

In terms of how the city could help rooming house operators, the following suggestions were made:

-speed up approval process;
-decrease red tape;
-assist landlords with evictions of difficult tenants;

Table 4.1: Gender

	No.	%
male	26	57.8
female	19	42.2
TOTAL	45	100.0

Table 4.2: Age of Respondents

	No.	%
under 18	2	4.4
18 to 24	6	13.3
25 to 34	14	31.1
35 to 54	19	42.2
55 to 60	3	6.7
61 and over	0	0.0
no response	1	2.2
TOTAL	45	99.9

Table 4.3: Education

	No.	%
some elementary	0	0
completed elementary	3	6.7
some secondary	7	15.6
completed secondary	11	24.4
some college/university	13	28.9
completed college/university	11	24.4
TOTAL	45	100.0

Table 4.4: Employment

	No.	%
full-time permanent	17	37.8
full-time temporary	2	4.4
part-time permanent	4	8.9
part-time temporary	5	11.1
not working	17	37.8
TOTAL	45	100.0

Table 4.5: Monthly Income

	No.	%
under 400	1	2.2
401 to 600	9	20.0
601 to 800	9	20.0
801 to 1000	4	8.9
1001 to 1200	7	15.6
1201 to 1400	3	6.7
1401+	8	17.8
No Response	4	8.9
TOTAL	45	100.1

-not punish legal operators through overly strict regulations while not clamping down on illegal operations; and,
-provide financial assistance to cover operating deficits.

The major difference between the non-profit ooperators and the other rooming houses is the higher level of common facilities and support services. Most non-profit rooming houses contain several common facilities, e.g., a shared kitchen, storage facilities, a t.v. and or recreation room, a backyard, a dining room etc.. They often cater to those on social assistance or welfare or with a handicap. Because of the high level of govnment support, non-profit rooming houses are able to charge lower rents than in the private sector.

One non-profit operator complained of the inconsistency in the application of municipal standarrds and the difficulty of getting consistent answers from municipal officials regarding building requirements.

Non-profit operators would like to see the City forcing illegal operations to conform to municipal regulations and would like to see the non-profit sector grow.

4.4 Rooming House Tenant Survey

Because rooming house tenants are often not heard from in the debate on rooming houses, the consultants felt it was important to try to gain an understanding of their characteristics and their views and opinions on their accommodation. Forty-five rooming house tenants were personally interviewed (using a structured questionnaire) covering all four Wards in the West End and major types of rooming houses. (See Appendix E .) Although this is not a large sample, the quality of the responses, and the nature of the findings suggests that the sample reflects a realistic picture of West End rooming house tenants.

4.4.1 Social and Demographic Characteristics

The demographic analysis of rooming house tenants revealed some findings which were contrary to many commonly-held beliefs about rooming house residents. For example, almost half of the respondents were women. As well, most were between the ages of 25 and 54, representing over 73% of the sample. Respondents had a wide range of educational levels with 76% having post-secondary or higher education. Most respondents were long-term residents of the City of Toronto. (Refer to Tables 4.1 to 4.3)

The surveyed rooming house tenants comprise both employed and unemployed persons. (Refer to Table 4.4) The occupations of the employed persons were wide-ranging. For example, their jobs included data entry, mechanical engineers, dishwashers, office personnel, and retail sales. Over half worked either in the West End or in the City of Toronto. One quarter worked in varying locations throughout Metro.

Table 4.6: Tenants Not Working - Major Source of Income

	No.	%
welfare/social assistance	8	47.1
old age pension	1	5.9
disability pension	4	23.5
other	4	23.5
TOTAL	17	100.0

Table 4.7: Monthly Rent

	No.	%
under 200	3	6.7
201 to 300	11	24.4
301 to 400	18	40.0
401 to 500	8	17.8
501 to 600	2	4.4
601 to 700	1	2.2
No Response	2	4.4
TOTAL	45	99.9

Table 4.8: Current Accommodation

	No.	%
room with no kitchen or bathroom facilities	15	33.3
room with kitchen facilities and shared bathroom	18	40.0
bachelor apt. with cooking facilities and bathroom	6	13.3
one bedroom flat	2	4.4
two bedroom flat	1	2.2
other	3	6.7
TOTAL	45	99.9

Table 4.9: Length of Occupancy

	No.	%
6 months or less	13	28.9
6 months to 1 year	8	17.8
1 to 2 years	6	13.3
2 to 5 years	8	17.8
5 to 10 years	9	20.0
10 years or more	1	2.2
TOTAL	45	100.0

4.4.2 Income and Rent

Reflecting the diversity of employment status and occupations, income levels among the respondents were extremely wide-ranging, although there tended to be a higher proportion of lower income persons (earning minimum wage or less). Welfare/social assistance was the major source of income for nearly half of the respondents not working. Other sources of income included: disability pension, support from spouse or parents, and OSAP. (Refer to Tables 4.5 and 4.6)

Most of the respondents paid between $201 and $500 for their rent calculated on a monthly basis. The $301 to $400 monthly rent category accounts for 40% of the monthly rents paid by roomers. (Refer to Table 4.7)

An affordability analysis was conducted in order to show the proportion of income tenants paid for housing. According to this analysis, 43% of employed tenants who live alone and occupy a single room paid more than 30% of their income on housing.Almost all the tenants receiving social assistance paid more than 30% of their income on housing. (However, tenants on social assistance often felt that difficulties in affording their accommodation stemmed more from low social assistance payments than from high rental costs.)

4.4.3 Present and Past Housing

The majority of tenants surveyed rented either a room with no private kitchen or bathroom, or a room with a kitchen facility and shared bathroom. (Refer to Table 4.8) Others rented flats within rooming houses. Just over half of the respondents who share kitchens or bathrooms share with 6 or more persons.

The survey included both long and short-term residents. For example, 40% had lived at their current address for 2 years or more, 47% 1 year or less. (Refer to Table 4.9)

The majority of tenants (80%) previously lived in the City of Toronto or another municipality in Metro. Over half lived in another room (25%) or in a one bedroom apartment (29%).

Tenants gave a wide-range of reasons for moving to their present address. For many, the relatively low rent for their room was a factor in moving. Others said that they needed a place quickly and had no other place to go while others said they wanted to live alone or independently. Many liked the location and neighbourhood, and others indicated their former accommodation was either too expensive or inadequate.

4.4.4 Housing Satisfaction

The level of satisfaction with their housing was high among tenants. Approximately 84% of the respondents were either very satisfied or satisfied with their current accommodation. Positive factors mentioned most frequently included the house itself - its amenities, cleanliness and/or quietness. Many liked the company of other tenants in the house, and many liked the location close to shopping, public transit, social services, and to their place of work. The suitability of the rent was also frequently mentioned. Most felt that they had enough privacy and living space in the rooming house.

The most frequent response regarding the tenants' dislikes with their housing concerned the number of tenants in the building creating crowded, congested and dirty living conditions. Also frequently mentioned were problems with the maintenance and upkeep of the building.

There was a slightly lower level of satisfaction with building maintenance and management than with general housing condition. Nevertheless, most tenants were either satisfied or very satisfied with the building's maintenance and management. The respondents who expressed dissatisfaction complained about the need for repair, the cleanliness of the house, the yard being neglected and so on. Tenants in absentee-owned rooming houses expressed greater dissatisfaction with maintenance and upkeep.

4.4.5 Future Housing and Preferences

Many respondents see their present accommodation as a short-term measure, while others see it as longer-term housing. For example, nearly half (44%) of the tenants felt that they would remain indefinitely or have no plans to move, while nearly one-third (29%) felt that they would be moving within the next year.

Most tenants indicated that they preferred a larger form of housing, with a one bedroom apartment/flat being the most frequently cited preference. Many tenants (18%) indicated that they preferred rooming house accommodation. Over one-third indicated that they would like to live in a larger unit and share the expenses. Most tenants felt the price and/or the money required were obstacles in obtaining their preferred form of housing. Many others cited the availability of the desired housing type as a problem.

The majority of the tenants interviewed preferred living in the West End. Nearly three quarters preferred the same neighbourhood in which they lived. The most frequent reason they give for choosing to live in the West End was the conveniences that the area offered: shopping public transit, restaurants etc. For many others, the qualities of the neighbourhood were cited as

reasons: friendly, quiet, clean, safe. Others pointed to the availability of housing in the area, and the proximity to social services and recreational facilities.

Tenants were asked to consider the importance of severalamenities/facilities within rooming houses generally. They indicated that an outside area for sitting and relaxing, locked-in storage space as well as a common kitchen/dining area were the most important amenities.

The majority of rooming house tenants did not want a live-in superintendent because they felt maintenance could be done with an off-site superintendent; others, however, wanted a live-in superintendent to ensure maintenance and upkeep was done as well as for security reasons. The majority would like to see the City become more active in the rooming house field.

4.4.6 Summary of Survey Findings

This survey has revealed some interesting and sometimes surprising results regarding the make-up and attitudes of West End rooming house tenants. They are not primarily single transient men without employment as commonly-held perceptions may suggest. In reality, they are a mixed group of men and women, generally between the ages of 25 and 54, with varying occupations, incomes and educational backgrounds. Most are long-term residents of the City of Toronto and the West End who prefer to live in the West End because of the conveniences and qualities it has to offer such as its friendliness, quietness and proximity to public transit, recreational facilities and other services. The survey has indicated that most of the tenants are generally satisfied with their accommodation, although many of them dislike problems with other tenants as well as poor management and maintenance of their buildings.

The survey findings have suggested that West End rooming houses respond to a wide variety of people with diverse housing needs. For many people, rooming houses represent a temporary form of housing while they attend school, after a marital break-up, or while they are experiencing health or employment difficulties. For others, rooming houses are seen as a longer-term form of housing. In particular, low-income single persons who cannot afford the high cost of renting a self-contained apartment or flat turn to the rooming house sector as a source of permanent housing. This is not always seen as a negative housing alternative as some people intervieved enjoyed the company of others in the shared rooming house environment.

One important findings has been that in recent years many individuals who used to rent self-contained apartments have been squeezed out of the rental apartment stock into the rooming house sector due to the high cost and/or scarcity of affordable self-contained apartments or flats.

4.5 Conclusions

In this section we have discussed the divergent views of politicians, residents, rooming house operators and tenants regarding rooming houses and municipal regulations. While some residents may feel that rooming houses are incompatible with stable, residential areas, there seems to be a general consensus that the major problem is with the illegal (or unlicenced) rooming house operations. The survey of rooming house tenants reveals a more stable and diverse picture than is often the public image of rooming house tenants. Rooming house tenants are generally very attached to the West End. Licenced operators often feel harassed by municipal staff or they find municipal regulations confusing and inconsistent. A number, however, had no problems with the current licencing system. Many of them would like further assistance from the City especially with regards to dealing with difficult tenants or would like enforcement offices to be more helpful.

5.0 MUNICIPAL REGULATIONS

The City regulations dealing with rooming houses are included in three by-laws:

- the Housing By-Law 73-68,
- the Rooming House By-Law 502-80, and
- the Zoning By-Law 438-86, all as amended.

In addition to these municipal regulations, there are applicable controls in two major provincial statutes: the Ontario Fire Code and the Ontario Building Code.

The existing by-law requirements for rooming houses can be described as a patchwork of controls that are hard to understand, and make the provision of rooming houses very difficult. Most of them date from the late 1970's when the City confronted the illegal bachelorette conversions (see Section 1.4.1). The City's approach to stopping further conversions was to tighten up its zoning requirements for converted dwelling houses and rooming houses.

The complexity and restrictiveness of the current by-laws have been reviewed previously, most notably by the Mayor's Bachelorette Task Force and the Interdepartmental Task Force on Affordable Housing. Much of the material presented here draws upon the reports of those two groups.

5.1 Existing Definitions

The three municipal by-laws, and the Fire Code, all define rooming houses in different ways (see Table 5.1.1 and Appendix F). These cause considerable difficulties in understanding and enforcing them. This matter has been examined by staff in a report to the Land Use Committee by the Commissioner and Chief Building Official on 3 February 1986, entitled "Terminology-Rooming, Boarding and Lodging Houses." In general, the zoning definition is the most inadequate of all of them. It essentially defines a rooming by listing what it is not.

The Fire Code, strictly speaking, does not contain a formal definition. However, it does set out the criteria for identifying a rooming house for the purpose of regulation.

5.1.1 Basic Terminology

The first and most apparent inconsistency relates to basic terminology. The Housing and the Rooming House By-Laws use the term "rooming house", while the Zoning By-Law refers to "boarding or lodging house".

The Fire Code covers all bases by using the term "boarding, lodging, and rooming house". In all cases, they essentially are referring to the same type of accommodation.

In order to create consistent terminology among the municipal by-laws, one possibility is to change all references in the Zoning By-Law to "boarding or lodging house" to "rooming house".

This approach represents the minimum change that should be made. However, consideration also should be given to introducing an entirely new term, such as "shared housing", and using it consistently in all municipal by-laws. The reason is that the municipal definition of a rooming house is different than the popular definition (see Section 1.4.1), and also different than that in the Fire Code (see Table 5.1.1). Further differences will be introduced if the municipal definition is extended to include "quasi-rooming houses" as recommended later (see Section 5.4.1). Therefore, confusion could be reduced by using an entirely new term when referring to the municipal model.

Table 5.1.1: Breakdown of Rooming House Definitions

Key Phrases	Zoning By-law	Housing By-law	Rooming House By-law	Fire Code
... containing more than three dwelling units ...		x	x	
... for gain ...	x		x	x
... with or without meals ...	x			
... for more than four persons ...		x	x	three
... with two or more dwelling units not containing private bathrooms and kitchens ...		x	x	all

5.1.2 "Hybrid" Dwelling Types

A second source of confusion arises because rooms can be combined with self-contained units in a variety of arrangements. In some cases these "hybrid" arrangements are rooming houses, and in other cases they are not. Often, the distinction is not entirely clear.

To begin with, the renting of rooms to 3 or fewer tenants is a permitted use in most dwelling houses in the City. This includes dwelling houses in multiple residential forms such as duplexes and triplexes. There are various exceptions and qualifications, but the main two are these. Two or fewer roomers only are permitted in R1 and R1F districts (6(2)37). Roomers are not alloved in a "one-family dwelling house", where the family consists of a group of more than five unrelated persons. (The latter is an interpretation of a virtually indecipherable statement.) (6(2)38).

According to the Housing and the Rooming House By-laws, a rooming house also can contain one or more self-contained units as well as two or more rooms without private bathrooms and kitchens. To determine the required mix of units and tenants requires some care. However, the most reasonable interpretation appears to be that a rooming house must have at least two rooms for rent and five tenants overall, with two of these being roomers.

The Zoning By-law confuses the situation further. On the one hand, it does not refer to this arrangement. However, it does introduce a second possibility called a "converted dwelling and lodging house." By definition, this house type can contain two or more self-contained units and one or more rooms. It can be seen that in certain circumstances a "converted dwelling and lodging house" is also a "rooming house" as defined by the other by-laws. To be specific, provided there are five tenants overall, it is a "rooming house" essentially when there are two or more rooms, and it is not when there is only one room.

Consideration should be given to deleting the "converted dwelling and lodging house" definition. It serves no useful purpose and is only necessary in that it covers the hybrid mix of units and rooms where there aren't enough rooms to be covered by the rooming house definition. Its primary effect is to add unnecessary confusion. There are no specific performance standards that depend upon it being in the by-law. Any standards that make reference to it, such as the parking standards, can be enforced through minor revisions to the other definitions. It may be possible to further amend this definition.

5.1.3 Number of Roomers

The third inconsistency concerns the minimum number of roomers needed to constitute a rooming house. The Housing By-Law and Rooming House By-Law set the minimum number of roomers at "more than four". The Fire Code, however, refers to "more than three" persons.

The staff report recommended that the definitions be harmonized by setting the threshold at "more than three" as set out in the Fire Code. This may represent the most expedient route because the Fire Code, as a provincial statute, is outside municipal jurisdiction.

There is a concern, however, that lowering the threshold could cause a further erosion of rooming house stock. In the past, many rooming house operators have intentionally reduced their occupancy in order to be below the threshold set by the municipal by-laws. (Although they were still subject to the Fire Code, the fire inspectors tend to overlook them unless they make a licensing application.) A lowering of the threshold could cause many of these operators to reduce their occupancy further or go out of business.

Also, it is not clear what the municipality gains by extending the coverage of the licensing provisions to include more smaller units. At the cost of considerably increasing the licensing administrative load, it will include many establishments that do not appear to cause any problems.

Therefore, until more is known about the benefits and impact of lowering the threshold for the number of roomers, it seems appropriate to leave this discrepancy as it stands.

5.1.4 Sanitary and Culinary Facilities

A fourth set of differences relate to sanitary and culinary facilities. The Fire Code cannot be applied to a room which has kitchen facilities or a private bathroom. However, the Zoning and the Housing By-laws do allow cooking equipment in sleeping rooms in some cases (see Section 5.2.4). (There could also be examples of rooms with private bathroom, which were allowed before 1981 in the City, provided the room did not have a kitchen.)

No change is recommended here. The anomaly is mentioned because it is another source of confusion over what is a rooming house, and when certain regulations are applicable or not.

5.2 Existing Standards

The various by-laws also contain a complex number of regulations dealing with rooming houses. Many of these are redundant, and others contradict each other. Many are used only on rooming houses, and do not relate to standards for other land uses. In this section, these regulations are revieved, and recommendations generally made for simplifying and reducing them.

5.2.1 Maximum Number of Rooms

The number of "boarding or lodging rooms*" in "boarding and lodging houses" and "converted dwelling and lodging houses" are limited in the Zoning By-law to the following:

- 6 in R2 districts and R3 districts outside the Central Area (Section 11 (b)), and
- 12 in R4 and R4A districts (11(d)).

No limitations are placed on properties in C1, CR and QR districts. Rooming house conversions are not a permitted use in R1, nor other C or I districts.

The Zoning By-law also contains special provisions for South Parkdale (Bylaw 67-78) that limit newly converted rooming houses to six rooms, although this is essentially a R4 district (Section 16(2).

These maximum room numbers presumably are intended to limit the impact of rooming houses on their surrounding areas by restricting their size and/or occupancy. However, these additional regulations are redundant because the number of rooms is controlled by other conventional provisions of the by-laws. Although not explicitly stated, it will be limited by the permitted gross floor area, the minimum room size, and the various factors affecting the building envelope (i.e., the setbacks, height limits, building length limits and landscaped open space). The parking requirements will also set another limit.

Limitations on the number of rooms, when applied uniformly across the City, create an arbitrary control on development because they do not relate to the local conditions. Many areas, by virtue of the size of the housing stock or building lots, could accommodate without detrimental impact a larger number of rooms in rooming houses. The above-mentioned conventional controls are much more sensitive to the variation in potential by area.

According to the Mayor's Task Force on Bachelorettes, these limitations on the number of rooms were particularly onerous, and responsible for virtually stopping any further conversions. This contention was also supported by representatives of the non-profit sector.

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* "Boarding or lodging room" means a room in a "boarding or lodging housing" or a "converted dwelling and lodging house" that is not part of "dwelling unit" and does not include a bathroom, kitchen or windowless storage room with a floor area of less than 10 square metres.

The non-profit operators are particularly affected because they attempt to limit the amount of room sharing. Therefore, the number of rooms directly fixes the number of tenants, which in turn determines the viability of these operations.

Many private operators, on the other hand, do not have this concern about sharing. On the contrary, they often will use sharing as a means of increasing their revenue. However, shared accommodation is more likely to attract the tenants that will cause social problems. The net consequence is that these controls discourage those more desirable rooming house operations, while not seriously affecting the less desirable.

Finally, it should be noted that the maximum room limits do not control occupancy. The same space can be used to accommodate larger bedrooms, which can be used to accommodate two or more tenants. As already noted, the real constraint is the physical area available in the building.

In conclusion, the limits on the number of rooms allowed in residential districts as set out in the Zoning By-Law are unnecessary and ineffective. Furthermore, they are counterproductive by serving to discourage the more desirable rooming house operations, while doing little to affect the others. These limits, therefore, should be deleted.

There is concern about removing this control because it might create a backlash from resident groups that perceive it to be an important safeguard. Therefore, before action is taken, it might be prudent to consider the public reaction. Also, further work especially should be done on the number of rooms might be allowed in typical situations if it were removed. Initial studies were made of the potential rooms for the Task Force on Affordable Housing.

5.2.2 Minimum Size of Dwelling Units

Two different minimums are stipulated in the municipal by-laws for rooms used for sleeping purposes (see Table 5.2.2):

- The Housing By-Law requires that all rooms used for sleeping must be at least 65 ft2 (6.0 m2) (Section 31(3)), 40 ft2 (3.7 m2) per person be provided when the rooms are used by two or more people (Section 34(1)).

- The Zoning By-Law requires that every bedroom must be at least 9 m2, and have 7 m2 per person when occupied by two or more occupants in all "boarding or lodging houses" and "converted dwelling and lodging houses" (Section 11(a)(i)). 13 m2 is required in a "boarding or lodging house room" with culinary facilities used as sleeping accommodation (Section 11(a)(iii)).

The Ontario Building Code also regulates the minimum size of dwelling units. The standard for sleeping room in the code varies according to what facilities and functions are included. These provisions, it should be noted, do not apply to rooming houses because buildings more than five years old are exempt.

Table 5.5.2: Minimum Bedroom Space Standards

	Housing By-Law	Zoning By-Law	Building Code
Rooms used for sleeping only			
- 1 person	65 ft2 (6.0 m2)	9 m2	11.1 m2*
- 2 persons	80 ft2 (7.4 m2)	14 m2	
- 3 persons	120 ft2 (11.1 m2)	21 m2	
Rooms used for sleeping with culinary facilties	--	13 m2	16.5m2**

* for bachelor units with living areas, but not dining or kitchen areas.

** for bachelor units with living, dining and kitchen areas.

This duplication of standards is unnecessary and confusing. The minimums set out in the Ontario Building Code should be adopted by the City for rooming houses because they are the most widely used and most authoritative standards. The standards currently contained in the Housing and Zoning By-Laws should be removed.

There is only one important caveat to this recommendation. Because the OBC standards are higher than the current standards in the Zoning and Housing By-Laws, many of the existing rooming houses may not meet them. Therefore, in order not to cause undue hardship, it may be necessary to exempt existing operations from compliance with them.

5.2.3 Minimum Sanitary Facilities

The Zoning By-law stipulates that one toilet, wash basin and bath or shower is required for every six occupants of a "boarding or lodging house" or "converted dwelling and lodging house" (11.(a)(iii)). No limit is place on the number of bathrooms that can be provided, but it does prohibit the provision of private bathroom facilities in boarding and lodging rooms. The Housing By-law, on the other hand, requires one toilet for each ten or fewer occupants (25 (2)).

Requirements for the provision of sanitary facilities are better dealt with under the Housing By-laws than under Zoning. Zoning is enforced at the time of application for the building permit.

Since the application deals with proposed work, it is not possible to be certain about the future occupancy. In any case, these provisions are also unnecessary in light of the Housing By-law.

The requirements regarding the provision of sanitary facilities should be removed from the Zoning By-laws. Those in the Housing By-law should remain, but be amended to match the more restrictive Zoning standards.

5.2.4 Culinary Facilities

The Zoning By-law does not allow cooking equipment in sleeping rooms smaller than 13 m2, while the Housing By-Law does not allow cooking facilities in a room used for sleeping purposes in a dwelling unit occupied by more than 2 persons (26 (3)).

The stipulation that a dwelling room can not contain culinary conveniences is difficult to enforce. The kitchen equipment can be removed fairly easily before an inspection. In any case, the Zoning By-law is an inappropriate place for this type of control because, as previously noted, it cannot deal effectively with matters related to occupancy. Therefore, this provision should be removed from this set of regulations.

5.2.5 Parking Requirements

For "boarding or lodging houses" and "converted dwelling and lodging houses", the Zoning By-law sets the following parking requirements:

- 1 space for each of 3 boarding or lodging rooms, or fraction thereof in excess of three; and

- 1 space for each of 2 dwelling units, or fraction thereof.

Parking is a major concern in most inner-city residential areas including the West End. On-street parking congestion is a main source of complaint for many residents when discussing rooming houses. On the other hand, the on-site parking requirements are also identified as a serious deterrent to providing more rooming houses by the operators.

The City should undertake a thorough examination of parking needs associated with rooming houses as well as other types of conversion activity. Such an examination was beyond the resources of this study.

A brief survey of rooming house tenants, nevertheless, was undertaken in this study (see Section 3.1.6). Included were questions on car ownership and parking needs. The results provide some support for the current standard for rooming houses.

To be more specific, they indicate that in R2 districts the car ownership is in the order of 1 car for every three rooming house tenants. However, the result also reveal a wide variation in car ownership, which suggests that any single standard could be excessive in some areas and restrictive in others.

The City's major parking study of the Central Area, although clearly dealing with a different type of residential development, also found a need for more relative standards. In particular, it revealed that car ownership levels were tied to the size of a unit. Larger units had higher car ownership on average. This would suggest that more modest parking standards are suitable for rooming houses.

The Mayor's Task Force also recommended that a distinction be made between rooms with bathrooms and those without. Those with private bathrooms should have same standard as those for small self-contained units because they more expensive, catered to better clientele, and could be easily converted. Rooms without bathrooms, and with or without kitchens, should have a reduced parking requirement.

In summary, before any amendments can be made to the existing standards, a throughout study must be undertaken of the parking needs related to rooming houses as well as other forms of conversion activity. One consideration of this study should to see if more variable standards can be developed that relate to the local conditions and varied housing provision.

5.3 New Controls on "Quasi-Rooming Houses"

Two important new controls on rooming house activity are recommended for inclusion in the municipal by-laws. Both of these measures are directed at what appears to be a major loophole in the current regulations. Despite the number of municipal regulations, these regulations apparently can be easily side-stepped through the legal creation of these "quasi-rooming houses". These are converted dwelling houses containing two, three or more self-contained units that are rented out to large groups of unrelated tenants. They are not rooming houses as defined by the various municipal by-laws.

The recommended changes to the by-law attack this loophole in two ways: by expanding the licensing provisions for rooming houses to include these operations for the first time, and by setting clearer limits on residential occupancy in the zoning by-laws.

5.3.1 Rooming House Licensing

These "quasi-rooming houses" in all relevant aspects are the same as rooming houses to most people. They involve large number of unrelated people renting accommodation in converted houses. As such, they have the potential of generating all of the familiar problems related to parking, social friction, poor upkeep and so on. To date, nevertheless, they have evaded being classed as rooming houses because of narrow technical inadequacies in the current municipal definition.

Under the circumstances, it seems only consistent that these "quasi-rooming houses" also should be licensed. Therefore, it is recommended that the definition of a "rooming house" in the Rooming House By-law be expanded to include "quasi-rooming houses" clearly in the licensing system. This presumably could be done is a variety of ways. One of the most direct appears to be to introduce the additional definition that a rooming house also is "a converted dwelling house where accommodation for human habitation is provided for more than 10 unrelated persons."

The number of tenants at which these "quasi-rooming houses" become rooming houses may need further consideration. The figure should be set a level that includes potentially troublesome cases of excessive occupancy, while not overloading the licensing system with generally acceptable groups. The number "more than ten" appears to be appropriate for two reasons. First, it excludes group homes, which can accommodate ten or fewer residents. Second, it leaves out converted dwelling houses with two units that also could accommodate 10 unrelated people, if the current definitions of "housekeeping unit" in the interim control by-law is used..

When fine-tuning the final definition, an effort also must be made to exclude other forms of residential accommodation--hostels, apartments and houses with large families -- that clearly are not rooming houses but could be included unintentionally by default.

As part of these changes, it also might be appropriate to introduce new terminology, like "shared housing", in the Rooming House By-law. There is already considerable confusion over what is a rooming house. The proposed amendment will only make it worse. The term "shared housing" would replace "rooming house" for the purposes of licensing, and by definition would include rooming houses as commonly understood, "converted dwellings and lodging houses", and the "quasi-rooming houses".

5.3.2 Housekeeping Unit Definitions

In an effort to plug the same loophole regarding "quasi" legal activity, the interim control by-law first froze new "converted dwelling houses", and then, was amended to allow for new "converted dwelling houses" provided they were used for the following:

- `A "single housekeeping unit" consisting of a room or suite of two or more rooms in which culinary and sanitary conveniences are provided for the exclusive use of the person or persons living together therein as a "family."`
- `A "family" defined as "one person or two or more persons who are interrelated by bonds of consanguinity, marriage or legal adoption, or a group of not more than five unrelated persons, with or without one or more full-time domestic servants, occupying together a single "housekeeping unit"`.

These measures were enacted on an interim basis in the West End. The question remains whether they should be made permanent in the Zoning By-law, and extended across the City.

Issue of "Unrelatedness"

The legality of using this type of definition has been tested before courts (see Appendix J). The definitions used in the interim control by-law appears to fall well within the legal constraints established by the courts.

The two key cases are these:

- In a 1979 case, Bell v. the Queen, the Supreme Court of Canada declared that "the device of zoning by reference to the relationship of occupants rather than the use of the building is one which is "ultra vires" of the municipality under the provisions of the Planning Act".
- In a 1980 case, Smith v. Township of Tiny, the Ontario High Court upheld a similar definition to that in the interim control, including a limitation on the number of "unrelated" people living together because it alloved for "most types of arrangements usual for people living together as a simple housekeeping unit."

Simply put, the courts seem to be saying that zoning by-laws are intended to control the use of buildings, but not the people using them. Nevertheless, they also seem to allow some control on occupancy, including specifically limitations on the number of "unrelated" people in dwelling units. This is not considered discriminatory, when the control allows for most kinds of common living arrangements.

The Province is examining this issue. The indications are that it wishes to prohibit the use of "unrelatedness" in controlling residential occupancy. Nevertheless, it does not wish to limit unduly the powers of municipalities to control over-occupancy in houses intended essentially for family use. They are finding this to be a very difficult issue to resolve. Despite considerable efforts, they have yet to come up with an any alternative approach that satisfies by sides of the problem.

Staff of the Planning and Development Department have formulated an alternative that does not rely on the criteria of unrelatedness, and in doing so, does not set a numerical threshold. It would be based on this definition:

- 'A "dwelling unit" consisting of dwelling accommodation consisting of a room or suite of rooms of two or more rooms designed or intended for use as living accommodation for one or more persons living together as "single housekeeping unit", in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons.'

The definitions can not be taken lightly because potentially the ramifications will be felt beyond "converted dwelling houses." To be fair and consistent, they should be applied across the board for all classes of dwelling houses from "one-family detached dwelling" houses to "apartment houses." (The only class possibly not affected would be "private detached dwelling house" allowed in all R1, R1A and R1F districts because their definition is structured differently.)

Need for Additional Controls

Staff of the Buildings and Inspections Department are major proponents of providing tighter controls on occupancy in the Zoning By-law. While the changes to the licensing requirements are considered to be helpful, this does not deal with two of their specific areas of concern: building permits and prosecutions.

The plans examiners frequently must deal with property owners intent on creating illegal operations. A common approach of these owners is to take out permits for building improvements, which later can be used for rooming houses or some other illegal occupancy with only additional modest changes. These changes are made after the building inspector has completed the final inspection, and go undetected from the outside. Despite their suspicions about these applications, the plans examiners lack the grounds for refusing these applications.

It should be appreciated that this problem is caused to a large extent by the present limitations on "rights of entry." Because the City is unable to monitor effectively the use of the building once the work is completed, the control of occupancy through the housing standards is virtually unenforceable.

For this reason, it is necessary to prevent as far as possible this work taking place in the first place.

The second concern is prosecution. The last resort available to enforcement must be to close down an illegal operation. Strictly speaking, an operation is illegal from the land-use viewpoint when it is not a permitted use under the zoning. Therefore, if a City wants to close down an illegal rooming house operation, it must be able to proceed through the zoning under the powers that come out of the Planning Act. This means providing in the Zoning By-law a definition of what constitutes a legal use of a dwelling.

It must be understood, when the City takes action under the housing standards and rooming house by-laws, all it can achieve is compliance. In the case of the rooming house by-law, for example, compliance would mean reducing the occupancy below the threshold level of a rooming house, or obtain a license for a rooming house. In most cases, all the City wants is compliance. However, in the face of repeated non-compliance by operators clearly wishing to defy the law, it must have the power to take more punitive action.

Assessment of the Alternatives

The merit to the definitions set out in the interim control by-law are two-fold:

1) The courts have established the legal grounds for using these provisions in the Zoning By-laws. Therefore, the City is on firm ground is using them before the courts, when either defending the refusal of a building permit or undertaking a prosecution for an illegal use.

2) The criteria used -- specifically, "a group of not more than five unrelated persons," -- is relatively clear and precise. For the purposes of prosecutions at least, it can be assessed without undue difficulty. Having criteria free of problems of interpretation is particularly important when before the courts.

On the other hand, there are at least two major concerns about using "unrelatedness" as a criteria for controlling residential occupancy. In brief, the concerns are these:

1) The arbitrary nature of the standard. It essentially limits the size of non-family groups occupying a dwelling house, but sets none for families. Neither the use of the term "unrelated" nor the threshold of five can be supported by objective planning evidence.

2) The potential for unintended victims. In the efforts to control less savory aspects of the housing market, it could adversely affect many supportive and communal groups now living in dwelling houses that are fully acceptable to the surrounding neighbours.

The major disadvantages of the alternative approach put forward by the planning staff is that the definition is less precise, and that it has not been tested by the courts. This means that staff will have greater difficulty in using it, and City will be less certain of success when using as the basis for prosecutions.

Its chief merits is clearly that it gets away from using arbitrary criteria based on "unrelatedness". Despite the court rulings, there is an aspect of discrimination in this type of criteria.

Conclusions

This has been the most difficult aspect of the study to resolve. It involves both detailed and fundamental questions regarding legal principles, enforcement practices, social concerns, and the structure of municipal by-laws.

The consulting team, unfortunately, is unable to provide a clear recommendation on which is the best approach. Like recent efforts by both the City and Ministry staff, it has been unable to resolve the conflicting concerns.

There is broad agreement that this loophole needs to be filled, and that it can be done by adding a definition of "housekeeping unit" in the Zoning By-law across the City for all classes of dwelling houses. The actual definition, however, needs further consultations.

5.4 Other Controls

A brief review was made of other regulations that have been used, or are being considered, for controlling rooming house activity. This section briefly highlights some of the issues associated with these measures. In general, it is not recommended that the City make use of these additional measures.

5.4.1 Distancing Restrictions

The recommendation has been made from various sources that the City use a distancing by-law to control concentration of rooming houses in any area. This approach would be similar to that already used for group homes. It would work by prohibiting the creation of any new rooming house within the prescribed distance of an existing one.

This type of control does not appear to deal effectively with the main problem identified -- that is, the poorly maintained and badly operated establishments. Good operations appear to be tolerated, if not welcomed, in most neighbourhoods. Nevertheless, this type of control indiscriminately affects both the good and bad operator.

The impact of this type of control on illegal operations must be considered. As noted elsewhere in this report, priority should be given to getting the illegal operations licensed. Once in the licensing system, the public has some assurance that they will be regularly monitored and effectively regulated. The concern is that another control of this nature will further frustrate these operations becoming legitimate.

It is not clear that an additional across-the-board regulations are required at this time. The number of licensed rooming houses has been relatively stable for five or more years. Neighbourhoods, therefore, are not facing a major threat from this source.

5.4.2 Percentage Controls

This type of control is a variation on the distancing restriction because it represents another way of limiting concentrations. It has been used in some municipalities in the U.S. to control the number of conversions, and could be applied to rooming housing activity. It would work by limiting the number of rooming houses in an area (such as a block) to a certain percentage (say, 10%) of the total properties.

The advantage to this approach over the previous one is that it can applied with greater flexibility. This is important in the case of rooming houses, which will occur more frequently than group homes.

The concerns remain the same as those for the distancing restrictions. Any additional regulations are likely to encourage the continuance of illegal activity. Also, in the absence of growth in the number of rooming houses, it is not clear that neighbourhoods need this protection.

5.4.3 Bona Fide Tenants

The Zoning By-law formerly contained a requirement that the owner of a rooming house must occupy as a permanent residence a minimum specified area in the house, or must have a bona fide tenant in "permanent" residence. This requirement was removed in 1984, and a new one was introduced in the Rooming House By-Law requiring the posting in every rooming house the name of a person who can be readily contacted for supervisory purposes.

One of the main concerns of neighbourhood residents with absentee-owned rooming houses is that they have no on-site supervision. In the case of problems like noise and litter, they are unable to get an effective response. The earlier bona fide tenant regulation could provide a model for requiring owners of rooming houses to designate responsibility for supervision to a tenant.

5.4.4 Arterial Locations

The City of North York currently limits rooming houses to locations on arterial roads. This is clearly a highly restrictive control. Less than 10% of the rooming houses in the West End would fulfill this requirement. It does not recognize the conditions in Toronto, where rooming houses and other conversions have been more widely accepted.

5.5 Enforcement Procedures

The main concerns expressed repeatedly by both elected official and municipal staff deal not with the municipal regulations, but with their enforcement. These concerns centre around enforcement in unlicensed and illegal rooming houses.

Licensed rooming houses are effectively regulated through the licensing procedures. These properties are inspected when the license must be renewed, or when there are complaints. In either case, any infraction must be resolved before the license is renewed. If certain properties have a history of complaints, they are more closely monitored and the license renewed only for short periods.

The main problems are associated with the unlicensed rooming houses. By their very nature, these properties are outside the control of the municipality, and probably in contravention of one or more municipal regulations. Creating more regulations is essentially irrelevant in dealing with them. If they are going to defy existing regulations, they hardly will be concerned about additional regulations.

The failure of the enforcement system can be attributed to two aspects: 1) the inspectors being frustrated in gaining access to properties, and 2) the courts not dealing with quickly and severely with infractions under the municipal by-laws. These two issues are reviewed in the following sections, together with some related changes to inspection and court proceedings.

5.5.1 Rights of Entry

Inspectors from the City's Buildings and Inspections Department, and also from the Fire and the Health Departments, are responsible for enforcing compliance with relevant regulations under their respective jurisdictions. They make property inspections in most cases on the basis of complaints.

In order to inspect these properties effectively, the inspectors must be able to enter the premises. However, as the legislation is presently interpreted, entry is easily frustrated. The consequence is that many building regulations are rendered unenforceable. Many owners are aware of these difficulties, and this has encouraged them to undertake work illegally and ignore the requirement to seek licensing.

The right of inspectors to enter occupied residential premises is provided under a number of statutes (see Appendix F). Access can be gained essentially in only two ways. The occupant must consent to the inspection. In the absence of this consent, a search warrant must be obtained. The courts have been reluctant to issue warrants because the enabling legislation makes reference to the seizing of evidence, which is not applicable to the inspection of residential premises.

Improving the present rights of inspection requires action by the provincial government. The most expedient route appears to amend the existing Provincial Offenses Act to provide for the issuance of a search warrant that is appropriate for the inspection of residential premises.

The Ministry of Housing and the Attorney General are currently recognize the need to improve the municipal rights of entry to enforce the municipal by-laws. At the same time, the Province must ensure that individual rights are respected, and the municipalities do not use additional powers to limit the provisions of housing that they would like the encourage, such as converted dwellings and other forms of intensification.

5.5.2 Court Initiatives

In cases where the City is able to gain access and obtain evidence of non-compliance, it faces a second major hurdle in getting the courts to take effective action.

The complaints about the courts are many. The courts are slow in hearing the cases. In most cases, there is no penalty because the courts are concerned more with compliance than deterrence. Where there are penalties, they do not reflect the severity of the problems nor the profits to be made. Many owners are aware of these problems, and are adept at using the court proceedings to delay compliance with impunity.

One approach is to establish a municipal court to deal with by-law infractions. This court would be more effective because the judiciary and the prosecutors would develop specialized expertise in this area.

Because such a court is unlikely to be established quickly, the City should pursue appropriate changes in these related areas:

- o imposing higher fines and other more effective penalties. The penalties should reflect the profits that can be made, and should be used as a deterrent to other illegal activity.
- o reducing the number of days for compliance set out in the bylaws.
- o expediting court proceedings and processing by taking a more vigilant and pro-active approach.
- o using injunctions to close down the most serious examples of illegal operations until the case can be heard before the courts. (The City would be expected to accept liability for any damages, if the courts held that the injunction was inappropriate).

The City also could consider establishing an integrated team combining both enforcement and prosecution of rooming house infractions. This team also could be responsible for monitoring rooming house activity, assessing the effectiveness of the proceedings and recommending appropriate changes. One precedent for this approach was the Bachelorette Clean-Up Team.

5.5.3 Unified Inspection Teams

Inspections are now handled by separate teams in the Buildings, Fire and Health Departments. This makes for less effective enforcement because the different operations from inspection through prosecution remain largely unco-ordinated.

These separate inspection teams should be combined into one organization dealing with all regulations pertaining to rooming houses. This approach has many administrative advantages. It will make better use of existing resources because one inspection visit can deal with all of the organizations. From an enforcement viewpoint, it means the problem properties and the most effective actions can be more readily identified.

One important consequence of the unified team is that it will create one place for the rooming house operators seeking advice. As noted earlier in this section, the operators face many complex and sometime contradictory regulations. The inspectors are presently reluctant -- and quite rightly so -- to deal with problems outside their jurisdictions. Consequently, the operators are left to piece together incomplete information on their own.

In making this recommendation, it is appreciated that the fire regulations are a fairly complex subject that takes a certain level of training to master. However, much of their complexity arises when dealing with large and sophisticated structures. There is no reason to believe that the municipal staff could not adequately handle, along with their other responsibilities, the fire regulations pertaining to rooming houses or to other "small

buildings" as defined by the Building Code. Under these circumstances, the existing Fire Prevention Section could maintain its current responsibilities for larger buildings.

5.6 Data Collection and Monitoring

A major obstacle in attempting to formulate effective regulatory actions for rooming houses is the lack of basic data.

The licensed rooming house files contain a wide range of data regarding this activity. However, there are a number of problems with this data. The most serious from a monitoring viewpoint is that the current tabulations do not identify the actual number of existing rooming houses. Also, some of the important information collected -- including the number of rooms and possible roomers in each property -- is not tabulated.

The licensing files should be restructured to provide a better on-going guide to changes in rooming house activity. They should be tabulated on a regular basis, perhaps quarterly/monthly. They should summarize the actual number of rooming houses by sub-ward. Summaries also should be provided of other key information, such as the number of rooms in each rooming house and a breakdown of multiple ownership.

This data also represents only part of the picture. There is strong evidence indicating that there is other widespread rooming house activity that remains unrecognized. The City has considerable information on this activity. For example, separate indications of illegal rooming houses are kept in the files for zoning, rooming house, housing standards and plumbing infractions. This data is not put together until court proceedings are considered.

All of the data from these and other sources should be co-ordinated and centralized. This is most important in order to establish a better basis for developing more effective regulations and enforcement.

6.0 LICENCING

6.1 Introduction

In this section the current procedures for licencing rooming houses will be discussed as will possible changes to the procedures. In undertaking this research, procedures used at the Metropolitan Toronto Licencing Commission and at the Ontario Liquor Licence Board were reviewed.

6.2 Current Rooming House Procedures

Licencing of rooming houses began in 1974 following the Peat Marwick Report, Rooming House By-law Impact Study, undertaken following a number of fires in rooming houses. The current licencing process was first introduced in 1980 and has been subsequently upgraded and modified at various times.

In examining current licencing procedures, it has been important to keep the following objectives in mind:

-to develop procedures which protect the well-being of potential and existing rooming house residents;

-to ensure that rooming houses are compatible with local residential neighbourhoods;

-to ensure that procedures are not so stringent that they force more rooming house operators out of business or underground.

Under the Rooming House By-law, No. 502-80 (as amended), the Licencing Commissioner is authorized to licence, suspend, revoke, renew or transfer licences in connection with a rooming house. The Deputy Commissioner of Buildings acts on behalf of Council in this respect. The rooming house by-law and licencing procedures apply to both rooming and boarding houses.

Under current procedures, once an application has been made to the Buildings Department, the application is processed through the computer. Comments are requested from three basic disciplines involved in the inspection of rooming houses: the Fire Department, the Public Health Department and the Buildings and Inspections Department. The Toronto Fire Department inspects the building to see if it meets safety requirements under the Ontario Fire Code.

The Health Department makes an inspection to determine if it meets standards under the Health Promotion Act. Finally, Buildings and Inspections staff examine whether or not it meets housing standards, the zoning by-law and plumbing and building standards.

The Fire Department will not inspect the property unless it complies with the zoning by-law. Thus, if a property owner needs to go to the Committee of Adjustment, the process of licencing will be slowed down until the property conforms to zoning.

Comments are fed back to the Buildings and Inspections Department from the other Departments by computer indicating which sections of the applicable Act or Code are not being complied with, and indicating active or inactive violations and expiry dates. If the building is in full compliance, then a licence is issued. If the building is not in compliance in one area, then a hearing is automatically set up. A "notice of hearing" is sent to the owner by registered mail and is circulated to the two members of Council representing the Ward in which the property is located. Just prior to the hearing, an inspector from the Enforcement Section of the Buildings and Inspections Department will examine the property in question if it has outstanding orders.

At any one hearing there are usually 12 - 18 cases on an agenda. The hearing is quasi-judicial and is governed by the Statutory Procedures Act. The hearing is attended by officials from the Fire Department, the Health Department and the Building Department. Council members and area residents may also attend. Individuals may be represented by Counsel at the hearing.

The Licencing Commissioner has the power to grant a temporary licence, e.g., for three months to give the owner time to comply with the order against the property. Licences are renewed every one or two years (depending upon the type of licence) and inspections are made prior to renewal.

The cost for obtaining a licence is minimal - $30.00 to $50.00 depending upon the class of licence, i.e., whether the building is owner-occupied, absentee owned or run by a non-profit corporation.

6.3 Recent Changes to the Rooming House By-law

The Rooming House By-law was amended in May 1988, to provide discretion to the Licencing Commissioner to refuse to issue a licence based on the past conduct of the operator. (See Appendix G). This represents a significant departure from past procedure where only the building itself was examined for its compliance.

Furthermore, the amendment allows for the examination of past conduct including: previous convictions against the owner for offenses under the Rooming House By-law and other City by-laws related to dwellings; the records and disposition of complaints against the owner by Federal, Provincial or municipal authorities (respecting the enforcement of legislation governing buildings owned by the owner); complaints by tenants in buildings owned by the owner, or, by adjacent neighbours, or, by other persons having knowledge of the manner in which the owner operated dwellings or permitted them to be operated.

Since adoption of this amendment to the Rooming House By-law, the following interim procedures were to be implemented:

-Each member of Council will now receive a copy of any rooming house application for a property located in his/her ward. The application will be processed in the normal manner but a licence will not be issued for at least two weeks;

-Where in the opinion of the ward representatives or a member of the public, the applicant's past conduct raises questions respecting his/her suitability to manage a rooming house, a hearing will be convened at which all representations will be made;

-Each member of Council will receive on a monthly basis, a current list of all rooming houses in his or her ward, for which a licence has been issued or an application for a licence has been submitted (Where the applicant is a corporation, a copy of the corporate search will be attached.)

-With respect to applications for premises not previously licenced, a statement of past conduct will be requested of the applicant.

6.4 Licencing in Other Jurisdictions

In order to evaluate licencing procedures, the consultants discussed similar procedures with senior officials at the Metro Toronto Licencing Commission and the Ontario Liquor Licence Board. A brief summary is provided below.

(i) The Metropolitan Toronto Licencing Commission

Metropolitan Toronto has the power to grant licences to a wide variety of businesses and establishments in Metro. Licencing procedures and guidelines are laid out in By-law 20-85, Respecting the licencing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan area.

Licencing procedures vary depending upon the nature of the business of the applicant. If the applicant meets all the requirements for that type of business or establishment, and if local regulations (regarding zoning, health standard, Fire Code, etc.) are adhered to, then a licence is issued. If not, then the Manager of Issuing refuses, and appeal procedures to the Licencing Commission are set up, as in the case of the Rooming House Licencing By-law. If applicants wish, they can appeal to the Provincial Court system.

When applicants apply for a licence, they sign a waiver which allows the police to check their records.

Residents do not have any input directly into the licencing process (except that they may object at the local level over zoning for example). The Licencing Commission does, however, listen to consumer complaints and could revoke or suspend a licence if complaints are substantiated. The business or establishment could appeal that action.

(ii) The Liquor Licence Board

The Liquor Licence Board issues licences which permit applicants to sell and serve liquor in an establishment, pursuant to the Liquor Licence Act and the Act's regulations.

Applicants must provide information relating to their citizenship, financial status and criminal records. If the applicant is a corporation, the information is required of all directors and shareholders of the corporation or of partners if the applicant is a member of a partnership. The following information is collected and investigations are undertaken:

1. Resident Status

   Applicants must provide their resident status, including proof of status (whether a citizen, landed immigrant, etc.)

2. Financial Status

   The applicant's financial records for the previous 5 years are reviewed by the Board including assets and income, sources of funds. The purpose of the review is to determine whether the applicant can be reasonably expected to be financially responsible in the conduct of the business.

3. Criminal Record

   The applicant must sign a police consent form to permit an Ontario Provincial Police investigation of the applicant. The purpose of the investigation is to ensure that the applicant will carry on the business in accordance with the law and with honesty and integrity. The Board examines convictions for the previous 10 years and longer term sentences prior to the ten year period.

6.5 Problems and Issues Around the Rooming House Licencing Process

(i) Streamlining the Process

The process of obtaining a licence has been streamlined through computerization of communications between Departments. However, the process is still lengthy and potentially confusing to an applicant who doesn't understand why he/she meets some standards and not others (or why there are so many inspectors in the first place).

Fire regulations can be particularly difficult to understand and the above rule that the Fire Department will not inspect a building until it conforms with zoning poses time delays and problems for applicants. Applicants are often in a quandary as to whether or not they should they have the building changed to meet the zoning (or go the Committee of Adjustment) when they don't know if they will get approval from the Fire Department or how much it will cost to upgrade the property to meet the Fire Code standards.

(ii) Need for Public Education

There is a need to educate rooming house operators, rooming house tenants and the public at large regarding rooming house regulations and to present such information in a clear way. In addition to literature for the three groups, there should also be one number at City Hall where anyone who has a query regarding rooming houses could call and get the correct information.

Because of the confusing set of regulations, the language of the various Acts, the conflicting definitions and frequent language problems of applicants, it is very difficult for existing or potential operators to know what is expected of them. This will tend to discourage rooming house operators altogether or drive them underground where they don't have to deal with inspectors.

A more co-ordinated approach to licencing is needed, whereby one enforcement officer (or a team) inspects the building to see if it meets various standards rather than several different inspectors at different times. At the same time literature available in different languages should be provided to assist operators understand and meet municipal regulations.

(iii) Input from Residents

The current process of allowing residents to appear at the hearing provides some means by which residents can appeal the granting of a licence. However, under current procedures this will depend upon the local Councillor or alderman advising residents that a licence is being requested. This seems somewhat arbitrary. One solution would be to advise residents within a certain distance of a property that an owner has applied for a rooming house licence, and allowing such residents to give relevant evidence before the hearing.

(iv) The Need for Special Provisions Governing Boarding Homes

Current licencing procedures do not recognize the difference between rooming houses and boarding houses. Boarding houses usually involve a higher level of care than regular rooming houses in addition to the provision of food. It would seem advisable to have additional or separate requirements for boarding houses, although this would likely be best done through a separate by-law.

The City Solicitor, in consultation, with the Commissioners of Buildings and Inspections and of Housing, are examining the possibility of introducing a personal care by-law with standards similar to those applying to the contract after care program. In the past the City Solicitor has advised Council that special legislation is required to enable the City to enact a personal care by-law.

(v) A Two-Tiered System

Based on our research and discussions with residents and members of Council, most of their concerns are with absentee-owned properties, not with those that are owner-occupied. This suggests that it may be appropriate to have more stringent requirements for licencing absentee-owned rooming houses. A two-tiered licencing system is in place in the City of Etobicoke.

Some residents pointed out that operators who live in their rooming houses are more likely to care about maintenance and upkeep of the property, or about noisy tenants. Owner-occupied operators are perceived to have more of a stake in the neighbourhood.

In particular, it may be appropriate to reintroduce the requirement for a bona fide tenant, i.e., a tenant who represents the landlord, and is responsible for supervising the property for the landlord for absentee-owned properties. This person could be approached regarding any problems encountered by local residents or tenants.

(vi) Licencing the Operator

Current procedures for licencing the operator of a rooming house were based on those used by the Liquor Control Board. The procedures set up provide sufficient opportunity for verifying the conduct of an applicant. These procedures could be reviewed in a year to see if they are effective.

(vii)Right of Entry

The licencing agreement could be amended to empower the City to enter a licenced rooming house to deal with a complaint by an adjacent property owner. The clause used by Habitat (a non-profit organization providing housing for ex-psychiatric patients) with private operators could be used as a model for such a right of entry section. The right of entry should be limited to the common areas of the house to protect the interests and rights of tenants.

6.6 Conclusions

In this section current licencing procedures governing rooming houses have been described as have those used in other jurisdictions. Problems have been identified with the current system as well as possible solutions.

Current licencing procedures, set up to protect tenants and residents may inadvertently be forcing a number of operators underground where it is difficult to enforce municipal regulations. There appears to be a considerable amount of illegal rooming house activity which should ideally be governed by licencing regulations. While the regulations and procedures themselves could be strengthened in some areas, a more effective approach may be to make the licencing process (including inspections) less complicated and punitive, more open, more streamlined and more co-operative. This would send a message to rooming house operators that the City recognizes rooming house operations as a necessary and valuable source of housing and that the City and the operator should work together to ensure the safety and well-being of tenants and local residents. This would require a different attitude and approach from City Hall. The goal of such an approach would be to bring illegal operations into the system.

7.0 ECONOMICS OF ROOMING HOUSES

7.1 Introduction

One of the important aspects of this study has been an analysis of the economics of rooming houses. Essentially, the City of Toronto wished to determine whether a rooming house operation is financially viable apart from the real estate-related aspects and also to determine the impact of recent trends in property values on rooming house operations. A further objective is to determine, if possible, the differences in operating costs and revenues between private and non-profit rooming houses.

This analysis is based on a review of recent real estate data, interviews with rooming house operators and a review of recent reports undertaken on the subject.

7.2 Background

7.2.1 The Task Force on Roomers, Boarders and Lodgers

The Survey of Landlords of Rooming Houses, Boarding Houses and Lodging Houses in the Province of Ontario conducted by the Task Force on Roomers, Boarders and Lodgers in September, 1986 provided a glimpse at the economics of rooming house operations at that time. In the Report, it was reported that mean annual operating costs per rooming house unit in the Toronto area at that time (1986) were approximately $3,652. Mean annual income was reported at $3,222 per unit. Accordingly, the average rooming house operator faced an operating deficit of $430 per unit per year, not including mortgage payments or capital improvement expenditures.

It must be kept in mind that this report included all types of boarding and rooming houses, both private and non-profit. From our discussions with current operators, it would appear that private operators likely incur somewhat lower than average expenses and generate somewhat higher than average revenues, whereas non-profit rooming house operators tend to experience the reverse. Boarding houses, of course, offer a wider range of services and therefore incur higher expenses and charge higher rents than rooming houses.

The report went on to note that the addition of principal and interest payments plus capital improvement costs brought the average per unit deficit at that time to $3,400 per year. Given the reported mean of 12.2 units per building, the annual average deficit per building was in the order of $41,480.00.

At first glance, therefore, the economics of rooming house operation appeared quite shaky, although the report also indicated that there was no way to ascertain the reliability of this information.

Some evidence was provided on an equally important aspect of rooming house economics in Toronto. The report indicated that the property value of rooming houses in Toronto had appreciated 303.4% on average between the time of acquisition and the time of the survey in September 1986. The median annual rate of property value appreciation under current ownership was reported to be 9.7% in Toronto. The September 1986 mean owners' valuation per building was $483,474.00.

Utilizing these values, therefore, the average rooming house building was appreciating by $46,897 per year at that time. Considering the taxation policy providing lifetime capital gains allowance on the value of the building, the equity being built up over time through monthly mortgage payments, and initial soft cost deduction, it appears likely that private operators were able to overcome annual operating deficits through capital appreciation and favorable tax treatment. It would appear from these figures that the overall financial gain was in keeping with returns from typical small business operations, although it must again be emphasized that the report lumped together all types of rooming and boarding houses and both private and non-profit operations.

It must be further kept in mind that the mean acquisition price per building of $119,842 reported in the study meant that the average capital investment per building (estimated at 25% of original acquisition price) was approximately $29,960. Given the indicated surplus of capital gains over operating deficits of about $5,000 per year, it is clear that the average rooming house operator was earning about a 17% return on the original investment (excluding consideration of the favorable tax situation and the increasing equity being earned through monthly mortgage payments). Again, this would appear a favorable but not excessive return on investment relative to most small business operations.

7.2.2 Recent Real Estate Trends

Over the two year period since the publication of the above report, it appears that the economics of rooming house operation have continued in the same fashion, but with one major difference. While operating costs, capital improvement costs and unit revenues likely have inflated at a rate similar to the general rate of inflation (likely no more than 10% per year), property values have been subject to massive escalation. The Toronto Real Estate Board reports that, in the twenty months from September 1986 to May 1988, the average resale price of residential properties in District "W1" (Bloor to the Lake, Humber River to Dufferin Street) escalated 79.9%, or

48.0% per annum. The average resale price of residential properties in District "W2" (Bloor to St. Clair, Humber River to Dufferin Street) escalated 74.5%, or 44.7% per annum. The entire MLS "West" District, by comparison, has escalated 53.3%, or 32.0% per annum.

Similar data was obtained from the City of Toronto Central Property Register which is based on TEELA information.

Table 7.1:

Average Resale Value of Homes in the West End (000's)

	Ward 1	Ward 2	Ward 3	Ward 4	City of Toronto
1986	138.3	155.3	109.4	134.1	161.5
1987	206.2	214.1	162.0	195.5	226.8
May/88	254.4	234.8	184.7	219.9	254.5
% Increase	83.9%	51.2%	68.8%	64.0%	57.6%
% Increase Per Year	59.1%	36.1%	48.5%	45.1%	40.6%

Thus, property values have escalated more rapidly than in the City as a whole in three of the four Wards being studied at this time. Applying these escalations to the annual operating pro forma statements of typical rooming houses would indicate that rooming house operations were quite lucrative in these areas during the past two years. However, as will be shown below, this is primarily the result of an exceptionally inflated real estate market, which is unlikely to continue indefinitely.

7.2.3 Licenced Rooming House Sales

As shown earlier in this report there are currently 164 licenced rooming houses in the four Wards comprising the West End Study Area. Data obtained from the City of Toronto indicates that half of these properties (80) have changed hands at least once in the past five years. The actual distribution of sales is as follows:

Table 7.2: Number of Times Sold in Past Five Years

Once	49 properties	(61.3%)
Twice	19 properties	(23.8%)
Three Times	8 properties	(10.0%)
Four Times	3 properties	(3.8%)
Five Times	1 property	(1.1%)
Total	80 properties	(100.0%)

In total, there have been 128 sales of these properties during this time period. Prices of these licenced rooming houses have escalated at about the same pace as the market as a whole in the West End in the past two years. Sales of licenced rooming houses averaged $256,700 in 1986 and $352,400 in 1987, representing an increase of 37.3%, which is quite similar to the increase in the market as a whole in the West End. While very little sales data have been provided for 1988, it appears property values of licenced rooming houses have continued to reflect the market as a whole in this area.

Further analysis of this information indicates that some 23 licenced rooming houses, or 14.3% of the total stock of licenced rooming houses in the West End, have changed hands a least twice since January, 1986. These 23 properties have escalated by an average of $122,200 during this time period, or 58.5% per annum--higher than the market as a whole, but generally in the same ballpark. These results indicate that licenced rooming houses are generally not being "flipped" for extraordinary gain, but are inflating at about the same rate as the market as a whole.

7.3 Rooming House Pro Forma Income and Expense Statements

This section analyses various examples of typical rooming house models. The detailed pro forma income and expense statements for each model are presented in Appendix I. These have been derived from information gathered through interviews with rooming house operators, discussions with City and Provincial officials and review of available literature. These are discussed in relation to both annual operations and overall return on investment, taking into account equity appreciation in real estate.

The analysis, summarized in table 7.3, has been made of these eight examples of licenced rooming houses:

a) a owner-occupied property in R2 zone purchased in 1987;
b) an absentee-landlord property in R2 purchased in 1987;
c) an owner-occupied property in R2 purchased in 1977;
d) an absentee-landlord property in R2 purchased in 1977;

FIGURE 7.3

TYPICAL PRO-FORMA INCOME AND EXPENSE STATEMENTS
LEGAL, QUASI AND NON-PROFIT ROOMING HOUSE MODELS*

	Legal**								Quasi	
	A	B	C	D	E	F	G	H	Quasi	Non-Profit***
	R2 o/o 1987	R2 a/o 1987	R2 o/o 1977	R2 a/o 1977	R4 o/o 1987	R4 a/o 1987	R4 o/o 1977	R4 a/o 1977	R2 o/o 1987	R4 a/o 1987
Annual Revenue	22,680	30,240	22,680	30,240	45,360	52,920	45,360	52,920	56,700	38,400
Annual Expenses										
o Operating	17,800	18,800	17,800	18,800	24,400	25,600	24,400	25,600	17,800	32,400
o Mortgage	25,200	25,200	7,920	7,920	30,000	30,000	9,600	9,600	25,200	0
o Capital Improvements	3,000	3,600	3,000	3,600	6,000	7,200	7,200	7,200	2,500	6,000
Total Expenses	46,000	47,600	28,720	30,320	60,400	62,800	41,200	42,400	45,500	38,400
Net Annual Income (not including equity appreciation or tax consideration)	(23,320)	(17,360)	(6,040)	(80)	(15,040)	(9,880)	4,160	10,520	11,200	0

* For assumptions, see Appendix I

** R8) zoning category
R4)
o/o) owner-occupied
a/o) absentee-owner
1987)year in which unit purchased
1977)

*** constructed with 100% forgivable loan plus some operating subsidies

f) an absentee-landlord property in R4 purchased in 1987;
g) an owner-occupied property in R4 purchased in 1977;
h) an absentee-landlord property in R4 purchased in 1977.

The distinction between licenced rooming houses in R2 and R4 districts is important because the Zoning By-law allows different levels of occupancy. In R2, the limit is set at 6 rooms, while in R4, it is 12 rooms (see Section 5.2.1)

As can be seen from these pro forma statements, in 5 of the 8 cases, the typical licenced rooming house is operating at a deficit on a day-to-day operations basis, consistent with the findings of the Provincial study. The absentee-owned rooming house is able to defray the deficit to some extent by renting out the permitted self-contained unit in the house. In that case, of course, the owner must bear the additional cost of his/her own personal accommodation.

The deficits are particularly heavy in the R2 zones, where the number of rooms are restricted to 6 plus one self-contained unit. Even in Case d) (the absentee-owned property purchased in 1977) at a modest cost, the operator is barely breaking even. The only positive operating returns are in the R4 zones, (which permit up to 12 rooms and one self-contained unit) for properties purchased in 1977 at a modest cost.

As noted earlier and also noted on each pro forma, these calculations do not incorporate equity appreciation due to such factors as inflation in the real estate market, capital improvements in the properties and pay-down of principal on the mortgage. Incorporating equity appreciation of the magnitude noted above yields a most attractive overall result.

For example, under Case b), the property is operating at a deficit of $17,360 per year. Were the current 37.3% annum inflation in real estate values to continue, this owner would earn an additional $265,000 x .373 = $98,845 per year in capital appreciation. Thus, the annual earnings would be 98,845 - 17,360 = $81,485. Given the original down payment of $66,000, the return on investment would be 123.4% per annum!

It is clear, as reported in the Provincial study, that the gains in real estate value over time have tended to overcome the annual deficits being experienced by the typical licenced rooming house operator, leaving a reasonable attractive return on investment. It is also likely, however, that inflationary periods such as those experienced from 1986-88 are part of the cyclical nature of real estate and must be viewed from a longer term context. Nevertheless, the steady long term capital appreciation of real estate values in the Toronto area has been perhaps the key factor in maintaining the viability of private licenced rooming house operations.

7.3.2 "Quasi Rooming Houses"

Providing accurate pro-forma income and expense statements for "quasi", or non-licenced rooming houses, of course, is simply not possible. Little is known about the number of such properties, the average number of tenants per property, the amount of rent being charged, the number and magnitude of real estate transactions occurring, etc.

Nevertheless, it is quite important to examine a typical case which has been brought to light by City staff and others we interviewed. That is, there is evidence that some operators are purchasing residential properties, converting them into three self-contained dwellings through some very minor capital improvements, then renting out each self-contained dwelling to five unrelated individuals. This may result in a total of 15 tenants occupying dwellings in zones where, for example, the bylaw might permit no more than 6 rooms plus one self-contained unit in a licenced rooming house.

Using the same average rents per person and the same property purchase price as the licenced rooming house examples, the analysis of this example shows that, even if purchased in 1987, such a property can be run at a profit of some 17% per annum, without even considering equity appreciation. (See Table I 9)

Further information was gathered to examine better the quasi rooming house example. The City provided information on a number of properties suspected to be quasi rooming houses recently purchased and run by an absentee operator. A number of property purchases were researched in order to carry out this analysis. Five such properties were identified which have recently sold in the study area, as follows:

Property	Recent Sales	Price	Down Payment	%
One	87-07-03	$460,000	$75,494	9.2
	87-03-06	325,000	30,015	16.4
Two	87-03-13	138,000	N.A.	
	86-09-26	115,000		
	86-07-07	101,000		
	86-03-04	90,000		
Three	88-02-16	324,000	64,272	19.8
	87-09-29	235,000	N.A.	
Four	88-01-08	171,000	43,212	
	87-10-02	142,000	N.A.	
Five	88-06	429,000	N.A.	
	88-01	304,000		

From the above, the following analysis can be undertaken.

Property One changed hands twice in mid-1987, escalating by some 41.5% in 4 months, or an annual rate of 124.5%. Downpayments for the two transactions were 9.2% and 16.4%, respectively.

Property Two changed hands four times from mid-1986 to mid-1987, escalating by some 53.3% in that one year period.

Property Three changed hands twice from late 1987 to early 1988, escalating by 37.9% in 5 months, or 90.9% per annum. The downpayment on the most recent transaction was 19.8%.

Property Four changed hands twice from late 1987 to early 1988, escalating by 20.4% in 3 months, or 81.7% per annum. The downpayment on the most recent transaction was 25.3%.

Property Five changed hands twice from early 1988 to mid-1988, escalating by 41.1% in 6 months, or 82.2% per annum.
These five typical rooming house properties, therefore, escalated by an average of 86.5% per annum over this period, with downpayments averaging 17.7%, less than the 25% typically required by lending institutions. The reported downpayments averaged $53,250. The average mortgage of $251,150 and principal and interest payments of about $2,700 per month at current interest rates.

Applying these real estate gains to the operating profits of this sample, or even assuming these properties were operating at no more than break-even, the ultimate return to the investor is extremely lucrative, without even considering the favorable tax treatment of capital gains.

Again, similar to the analysis of legal rooming houses, this analysis shows that, for quasi rooming houses, the financial incentive is very much a function of real estate market conditions. Even in the triplex scenario, it is unlikely that enormous returns are being earned on operations of the rooming houses themselves. Capital appreciation in property values is the key factor which generates the attractive return on investment.

Clearly, as long as the recent massive escalations in the value of residential properties continue, rooming house operators (both legal and illegal) stand to gain highly attractive returns on investment. As shown above, in fact, the price of the sample of typical rooming houses has escalated more rapidly than the market as a whole. This is acting as a strong incentive to operators and is likely drawing a greater number of investors into the "business".

Many of these investors may be "silent partners" simply providing capital to help finance rooming house operators. Should the inflationary boom in the real estate market subside or possibly reverse direction, there likely would be a flow of capital out of the private rooming house market, thereby reducing the level of activity. A greatly increased supply of rooming house units would also, of course, have a dampening effect on the inflation in the property value of rooming houses.

7.3.3 Non-Profit Rooming Houses

As noted elsewhere in the report, there are a growing number of non-profit rooming houses being developed in the City, largely as a result of funding programs emerging from the Provincial government in recent years. Figure I 10 presents a typical pro forma income and expense statement for a non-profit rooming house, based on discussions with a number of non-profit organizations involved in this field in the City.

As shown in this Figure I 10, the typical rooming house being operated by on non-profit organization operates on a break-even basis. This break-even situation has been achieved by means of a Provincial forgivable loan of $600,000 for the purchase and improvement of the property, and further funding for a facilitator to service the occupants. While the project is currently under development, it is anticipated that an attractive living environment will be created and maintained, although at a fairly substantial per unit cost to the taxpayer.

7.4 Summary

There would appear to be almost two "categories" of private rooming house operators--those in the business over the longer term traditionally earning a reasonable rate of return for a typical small business; and those in the business over the short term strictly in order to earn a high return through real estate speculation. Given their short-term perspective and possible lack of experience in rooming house operations, it would appear the City should be particularly watchful of the latter situation and the potential negative impacts of the resulting instability on both tenants and the surrounding neighbourhoods.

It is clear that most rooming houses in the City are operating at a deficit, particularly in view of the current high cost of purchasing and renovating appropriate properties. When equity appreciation is included in the analysis, however, it is further apparent that most operators have overcome their operating deficits through capital gains.

The "quasi" rooming house triplex scenario shows that operators of these properties can achieve a positive return on day-to-day operations, even with properties purchased at

today's inflated prices. Coupled with active "flipping" of such properties, it would appear that the potential to make extremely lucrative returns on investment in this manner has occurred during the real estate boom of the past two years. As the market cools down, however, this potential will also decline. Accordingly, speculation in such properties may level off or decline.

Non-profit rooming houses seem to provide a highly acceptable form of accommodation and tend to make particular efforts to minimize neighbourhood impacts. Clearly, more projects of this nature would benefit the tenant, neighbourhood residents and the City. Yet, it is clear from this analysis that using the non-profit sector to supply the needed rooming houses could involve large public funds. Therefore, there appears to be a continued need for private operators. The City must ensure, therefore, that the role of both sectors is recognized and that steps are taken to ensure this supply is provided in a fashion which meets the housing needs of current and future residents, while minimizing the impact on City neighbourhoods.

8.0 THE CHANGING ROLE OF ROOMING HOUSES

8.1 Introduction

In this section of the report the changing role of rooming houses will be examined in terms of: which groups of tenants are served by rooming houses, the role of the rooming house operator, the effect of speculation on the rooming house sector, the role of supportive housing and finally, compatibility with residential neighbourhoods.

8.2 Tenants Served

Rooming houses are an important source of housing for low-income singles. While the average rent for a room in the West End is in the range of $320- $350, a self-contained bachelor apartment in the City of Toronto rents on average for between $390 and $480 (according to the October, 1987 apartment vacancy survey).

Historically, rooming houses have catered to several groups of people including: students, working people who cannot afford a self-contained unit and those on very low incomes who often have other social or health problems. Often rooming houses were seen as transitional housing for people who had just moved into the City or had just moved out on their own.

The Provincial policy of deinstitutionalization, which began some 20 years ago has increased the burden on rooming houses and boarding houses. As described in a recent report on this topic by the Association of Municipalities of Ontario, "deinstitutionalization is a complex process whereby individuals are assisted in decreasing their dependency on institutions and increasing their level of independence." (A.M.O. Report 86-13, p. 1) Rest homes and boarding homes have become the primary type of accommodation which caters to these single individuals who require ongoing support. The report also points out that the process of deinstituionalization has shifted the responsibility to municipalities.

Because of the process of deinstitutionalization, rooming and boarding houses have become more oriented to serving those on social assistance. Such individuals often live in a variety of housing arrangements funded by a wide range of programs (See Section 9).

At the same time as the rooming house sector has become increasingly oriented to those on social assistance, another trend is occurring which is reducing the supply of rooming houses available for lower-income tenants or those who require support services. This has already been alluded to earlier in the report in that as the supply of affordable housing in general is declining, those who used to live in self-contained apartments are moving into rooming houses.

Despite these trends, towards higher and lower income tenants, rooming houses (not including boarding homes) seem to serve a wide range of people of various ages, incomes, educational levels, employment status, etc. although incomes are lower than the average.

The survey demonstrated ambivalence on the part of rooming house tenants towards living in such accommodation. On the one hand, they were very satisfied with their accommodation while on the other hand, most aspired to a larger self-contained dwelling or flat. Many had previously lived in a sharing situation and the majority felt they had enough privacy.

Faced with an increased demand for their rental accommodation, rooming house landlords can obtain higher rents from this new higher-income clientele and can be more selective in choosing tenants. This might have the effect of displacing tenants who cannot as easily compete in this changing rooming house market.

Moreover, many individuals, particularly low-income singles who rent in the rooming house sector as a short-term measure, are possibly being forced to remain in rooming houses because of escalating rents in the broader rental market. Rather than serving as a stepping stone during transitional periods of people's lives, rooming houses are perhaps becoming the only long-term form of housing available to them. Together, these implications suggest that the pressure on the rooming house sector will continue to be intense as more and more people are unable to obtain self-contained apartments in the rental market.

However, in the longer-term the solution to the shortage of affordable housing for low-income singles is to create more housing which is self-contained or provides sharing for a small group of people such as the Shuter Street project built by Homes First or Houselink's development on Harbord Street.

3 Rooming House Operators

Rooming house operators fall into three major categories: owner-occupant operators, absentee landlords and non-profit groups.

Owner occupant operators by the virtue of the fact that they share the house with rooming house tenants, are likely to be more selective over tenants and to enforce stricter controls over the behaviour of their tenants as well as maintain a higher standard of maintenance and upkeep. This assumption seemed to be borne out by discussions with residents in the West End. Many of the owner-occupant rooming house operators are recent immigrants for whom owning a rooming house provides employment and a means of purchasing a home.

The majority of licenced houses are operated by absentee landlords. Usually they view rooming houses as a long-term investment and in most cases the landlords manage the building

themselves. Absentee landlords who are licenced usually co-operate with the City and recognize the need for municipal regulations regarding rooming houses and the enforcement of these standards.

In addition to legal absentee-owned rooming houses, there are a large number of illegal absentee-owned rooming houses. Many such houses are invisible from the street because no alterations have been made to the structure and they are well maintained. Others are in need of upgrading and are poorly maintained. These are the rooming houses which cause the greatest problems for local residents. Residents do not have any recourse for dealing with problems created by such rooming houses.

An important point to note is that often it is the poorly maintained rooming houses which provide shelter for the lowest income individuals. Other better maintained rooming houses can be more selective leaving the most difficult and poorest tenants for the "shabbier" rooming houses. Sometimes, this may be a deliberate strategy by an absentee owner to minimize his/her costs. In other cases, the landlord cannot afford to maintain the home and finds him/herself caught in a cycle of renting to difficult tenants who further run down the house and so on. As has been pointed out before, often the problem is with the tenants not the landlord. Clearly, some of the most problematic rooming houses are accommodating individuals with the greatest social problems.

As the section on economics of rooming houses demonstrates, there is considerable opportunity for capital gains in the real estate market. This appears to be drawing into the rooming house sector unscrupulous operators who minimize maintenance, fill up houses with individuals who are desperate for housing, cover expenses in the short-term through rent (and make a profit) and make a larger profit on capital gains. Unless this activity is reduced, it could not only threaten local neighbourhoods but the rooming house sector as a whole because of the poor image it is creating for rooming houses.

A growing sector in the rooming house field is supportive housing. This type of housing is operated by community-based non-profit agencies such as Ecuhome, First Step and Habitat (a joint venture between Metro, the Province and the Supportive Housing Coalition). Ecuhome and First Step are actively involved in acquiring and operating rooming houses while Habitat provides financial assistance to boarding house operators who meet its criteria and standards.

Non-profit organizations are becoming increasingly involved in the provision of rooming houses and usually provide some measure of support services. Because the funding levels are sufficiently high, non-profit organizations are able to provide additional

facilities such as common areas for watching television, etc. Sometimes, however, the funding is such that individuals must share a room.

8.4 Compatibility with Residential Neighbourhoods

Rooming houses by their very nature are located within residential neighbourhoods. Some residents maintain that as a house form they are inadequate because they don't provide sufficient space within the dwelling for residents to sit and relax. As a result, tenants often sit around on the porch where they tend to socialize. Such behaviour may be disruptive to adjacent neighbours.

Other residents maintain that rooming houses because of the kind of people they accommodate are incompatible with "stable, residential neighbourhoods". However, as zoning and land use is not directed at the kind of person who lives in the house, this seems to be a poor basis for prohibiting a house form.

It should be pointed out that the majority of those residents consulted recognized the need for rooming houses and the shortage of affordable housing. The predominant tone was very reasonable; however, residents wanted to be reassured that the City would better regulate rooming houses, especially illegal ones.

At the other extreme, some residents felt that rooming houses were totally incompatible with stable, residential neighbourhoods. They cited the noise generated by tenants of rooming houses, poor levels of maintenance and generally disruptive and/or anti-social behaviour on the part of some tenants in rooming houses. It was argued that the Province needed to provide more accommodation for such individuals but not within existing residential environments.

8.5 Conclusion

It is clear that rooming houses will continue to play an important role in meeting the need for affordable housing for low-income singles. This is especially true in the West End of the City where many lower income singles live and who, according to our survey, enjoy living in that area. The longer term goal of providing additional housing is valid but it must be realized that realistically there will continue to be a strong need for rooming house accommodation for the foreseeable future. The challenge is to ensure that rooming houses are controlled and managed in such a way that they do not threaten residential neighbourhoods in which they are located.

This will probably require a stronger role for the City in the rooming house area in terms of regulation, public education and publicity, and more direct action such as purchasing rooming houses. These options will be discussed in more detail below.

9.0 GOVERNMENT POLICIES AND PROGRAMS

The rooming house sector is affected by regulations, policies and programs at various levels of government as summarized below.

9.1 The City Level

The City of Toronto has long recognized the important contribution of rooming houses to the housing supply, in particular for low-income singles. It has done this through the licencing by-law and procedures enacted to protect tenants and nearby residents. Through Cityhome, the City has also acquired rooming houses in St. Jamestown and other parts of the City which it rents out to low-income singles. Officials from the City co-operated with Metro and the Province to encourage the Federal government to bring in the Rooming House Residential Rehabilitation Program.

Following the report of the Mayor's Task Force on Discharged Psychiatric Patients, the Province set up the Contract After Care Program which was to encourage owners of private boarding houses in the City of Toronto which house ex-psychiatric patients to physically upgrade their premises and provide acceptable levels of care for those individuals. The City, Metro and Provincial representatives were involved in an evaluation of that program.

Most recently, City Council directed the Commissioner of Housing to examine the possibilities of acquiring and rehabilitating existing properties in the City for the purposes of providing additional housing for singles, and on the use of City-owned scattered houses for singles. The City will be looking at the applicability of recently initiated Provincial Programs as well as funding from its own sources and from the Federal government.

The City, through the City's Housing Department, could play a more active role in acquiring rooming houses. For example, the City could acquire problematic rooming houses to ensure better management or it could acquire rooming houses where the operator was considering going out of business. There is, however, widespread skepticism from the public and staff about the ability of the City to run rooming houses. The City Housing Department could, however, enter into a leasing arrangement with private or non-profit operators. The experience of Habitat, which provides boarding and lodging homes for ex-psychiatric patients through agreements with operators, has shown that such agreements can be very successful.

The City's major role at present is that of regulator of standards as described earlier in the report. In order to improve the regulating process, the City will probably have to be willing to increase funding for hiring more inspectors. In addition, however, the City needs to put more stress on its public education of rooming houses to rooming house operators, tenants and the public at large regarding rooming houses. The City's brochure on Toronto's Housing Standards is the type of publication which is needed.

The City needs to develop a strategy regarding housing for low-income singles. In addition to the longer-term approach of building more permanent affordable rental accommodation for low-income singles, the City should develop a co-ordinated programme regarding rooming houses. This programme would likely be interdepartmental and should cover:

- a team approach to licencing and enforcement as described earlier;

- acquisition of rooming houses to be leased to non-profit groups for management;

- a public education process regarding rooming houses and their regulations;

- a hot line for dealing with enquiries and complaints regarding rooming houses.

9.2 The Provincial Level

The Provincial government has initiated a large number of housing programs in recent years. Many of these could have direct relevance to rooming houses such as:

Rooming houses can be acquired under the Federal-Provincial Non-Profit Program or through the additional units allocated by the Province through the Provincial Non-Profit Program for housing directed at homeless individuals, low-income singles and developmentally or psychiatrically-handicapped adults. In both cases, approximately 70% of the units could be rented on a rent-geared-to-income basis.

In a campaign called Permanent Housing, $12.3 million were allocated across the province for housing while the Ministry of Community and Social Services matches this amount in funding for support services. Some of the non-profit rooming houses in the West End have been developed under this program. This money has been used up; however, the Ministry could be requested to extend or increase funding under this program.

In August 1987, the Province announced the Supportive Community Living program. Under this program, housing and support services are combined for persons with special needs. This is a joint initiative between the Ministries of Housing, Community and Social Services, Health and Correctional Services. SCL funding is being provided for 1,000 units of supportive housing over the next three years. Again this is an appropriate program for rooming houses and has been used in the City.

The Low-rise Rental Rehabilitation Program (LRRP) provides landlords with forgivable loans of up to $5,000 per unit and can be used for rooming houses.

Finally, the Province has sponsored a program called homesharing. The City of Toronto has applied for this program which provides a matching service for people who wish to share accommodation. The survey of tenants showed many of them were favourable inclined towards homesharing.

The Province set up The Task Force on Roomers and Boarders which was to examine the housing conditions of roomers and boarders across the Province and make recommendations regarding programs and legislation. While the final report of the Task Force has been submitted, there does not seem to be any co-ordinated response to its recommendations.

Other programs which are more geared towards the boarding house aspect of lodging and boarding homes include:

- Homes for Special Care for long-term extended or residential care to psychiatrically or mentally disabled persons discharged from provincial institutions and who require some degree of nursing care.

- satellite homes which are privately owned, non-profit or for-profit operations that provide residential care for older individuals referred through a municipal Homes for the Aged

- funding can be provided to "domiciliary hostels" which are privately owned boarding and lodging houses in which long-term residential care is provided according to a contract between the owner and the municipality. Operators receive a per diem set by the province.

The above is a brief and not comprehensive review of programs aimed at boarding type accommodation.

In addition to the above programs, the Province administers several sets of laws which affect rooming houses (in addition to those which were discussed regarding enforcement problems and rights of entry). These include the Landlord and Tenant Act, the Residential Rent Regulation Act and the Rental Housing Protection Act.

Rooms are covered by the Landlord and Tenant Act (Part IV), except dwellings in which the occupant shares bathroom or kitchen facilities with the owner and/or a member of the owner's immediate family living in the same building , or which are owned by a non-profit housing co-operative. Rooms are covered by the Residential Rent Regulation Act, 1986, and in cases where buildings provide more than four rental units, by the Rental Housing Protection Act.

Finally, the Province administers social assistance to those on welfare or family benefits. For some time, the Metropolitan level of government has been requesting that welfare benefits be increased to take into account the higher rents in Toronto. A single employable person in Metro is eligible for $467 per month if they receive the maximum shelter subsidy. Given the high cost of housing in Toronto, that person would have approximately $35 left over for food and other items. The Province is expected to take actions in this regard this fall as a result of the recommendations of the Social Assistance Review Commission.

9.3 The Federal Level

The Federal government's main contribution to rooming houses is through the Federal-Provincial Non-Profit Program as described above and the Federal Residential Rehabilitation Program. Under the rooming house RRAP, loans are available to landlords of rooming houses in the amount of $8,500 per bed for major repairs to the structure, electrical system, plumbing, heating system or fire safety aspects of the buildings. While there was a lot of interest in this program when it first cam out, that interest has slowed down considerably. A major limitation in the program is that the rents are set so low as to virtually eliminate the Toronto market (around $235 per roomer). Thus, the City should advocate to have eligible rents increased to more realistically related to the Toronto market.

9.4 The Metropolitan Level

Metropolitan Toronto has been very active in advocating for programs for low-income singles and in supporting community-based groups. One example of a successful program is Habitat Services which is jointly funded by Metro and the Province and CMHC. Habitat Services was based on the need to clean up condition in existing boarding homes and to expand the sector to provide housing for those needing housing in a supportive environment.

Habitat Services is administered by the Mental Health Program Services, a non-profit board, which enters into a contractual relationship with owners and operators of boarding homes. Operators must agree to meet physical standards for housing set by Habitat, to meet personal care requirements for residents set by Habitat Services, to accept 80% of clients who meet Habitat Services eligibility criteria and to comply with federal, provincial and municipal laws and to permit access for monitoring services and records. Under the Habitat Program, boarding house operators see their daily income per resident increase form $13.00 per day (the present limit under Family Benefits) to $26.00. This is clearly an example of a "carrot" that is working.

Metro plays another role in the rooming house area. Metro provides welfare cheques to over 115,000 clients in the Metro Toronto area. It has been argued by some people that Metro shouldn't send their clients to illegal rooming houses. However, it would be very difficult for Metro to inspect the houses of all of those who rent rooms. However, Metro and the City should try to work out a way in which they could co-operate on this issue. For example, the City could issue a list of illegal rooming houses which have outstanding orders or have received complaints. Metro has housing advisors who provide lists of addresses for their clients to use in finding accommodation. Metro and the City could agree not to advise clients to rent accommodation in housing identified as being illegal rooming houses.

9.4 Conclusion

Improving the rooming house situation and the availability of housing for low-income households will require action from all levels of government. There is a need for better co-ordination amongst all levels of government regarding housing programs directed at low-income singles and at the role which rooming housing can play in meeting this need.

10.0 CONCLUSIONS AND RECOMMENDATIONS

In this section of the report, the major conclusions of the study will be discussed followed by recommendations.

10.1 Conclusions

This report has examined many different aspects of rooming houses: the scale of such activity, their impact on local neighbourhoods, the kinds of tenants they house, their role in meeting housing needs, municipal regulations and licencing procedures and government programs and policies.

The study has shown that rooming houses continue to play an important role in providing affordable housing for low-income singles and that this role will continue in the foreseeable future. The study found that, contrary to commonly-held perceptions, rooming houses accommodate a very diverse group of men and women with varying occupations, incomes and education. Furthermore, a majority are generally satisfied with their accommodation.

In general, the licenced rooming houses appear to be well-managed and do not adversely affect their neighbourhoods. The primary concern of the residents, politicians and staff are the illegal and quasi-legal rooming houses that continue to operate outside of municipal controls. These are the rooming houses which are creating negative impacts on local neighbourhoods and creating a bad image for rooming houses. Some residents are also concerned about some absentee-owned houses because of the lack of accountability to the local area.

There is evidence of a considerable degree of unlicenced illegal rooming house activity. Although difficult to quantify, the number of unlicenced operators could exceed the licenced ones in the West End. Some operators may have have gone underground to avoid meeting rooming house standards; however, a number may be intentionally operating without a licence in order to rent out overcrowded and substandard accommodation to those who have no other housing choices.

Within the unlicenced rooming house sector, there is a particular concern about one chain which is taking advantage of the current loopholes to create quasi-legal rooming houses. This chain seems to house individuals, especially those on social assistance, in crowded converted dwellings. This enterprise appears to be well financed and is attracted to the rooming house sector because of the speculative gains available in the real estate market.

The economic analysis indicates that most longer-established rooming houses are likely to operate at a modest profit. However, any private operator attempting to set up a rooming house in today's market will almost certainly operate at a significant deficit. While all operators are benefitting from the recent real estate appreciation, some unscrupulous operators appear to be making exorbitant profits by flipping properties and renting out overcrowded and substandard housing.

The City needs some additional powers to regulate the rooming house sector. A key solution lies in using the licencing system more effectively in order to bring more rooming houses into the system. In addition to capturing the quasi rooming houses discussed above, the inspection process needs to be streamlined and geared towards giving more assistance to operators. Regulations should be simplified and clarified to make them more understandable. The City also requires better powers of entry for inspection purposes, expeditious court action and stiffer fines or penalties for operating illegal rooming houses.

The City especially must close the legal loophole which permits the misuse of converted dwellings for illegal and quasi-legal rooming houses. There are two ways in which this should be done. The first is to redefine a rooming house so it clearly includes the quasi-legal operations. The second is to control occupancy by incorporating the term "housekeeping unit" in the Zoning By-laws.

Given the shortage of affordable rental housing for low-income singles, and the important role rooming houses play in meeting there needs, the City should develop a rooming house program. Assistance may be required from other levels of government for this program. Possible measures range from less costly items such as developing a hotline for complaints and better educational material to other more major initiatives such as providing financial assistance to rooming house operators and purchasing rooming houses.

Inter-governmental co-operation will be required on a number of matters related to rooming houses as indicated in the recommendations below.

10.2 Recommendations

The recommendations are based upon a starting position that rooming houses continue to play an important role in the provision of affordable housing in the West End of the City of Toronto. However, unless something is done to deal with the so-called "bad operators", they could jeopardize the rest of the rooming house sector, the majority of which do not cause problems for local residents.

One of the main thrusts of the recomendations is to address the concerns around illegal and quasi-legal rooming houses that gave rise to this study. It is recommended that this activity be dealt with through a three-pronged approach: first, extending the licensing system for rooming houses to bring more operations under municipal control; second, undertaking more rigorous enforcement; and third, adopting a more co-operative and supportive approach to rooming houses generally.

The recommendations are grouped according to the following efforts:

- o closing the existing loopholes that allow "quasi rooming houses";
- o simplifying and harmonizing the existing regulations and definitions so they are less confusing to the public, staff and the courts;
- o creating more effective enforcement procedures so that problem operators are dealt with more expeditiously;
- o using the licencing system to bring more rooming houses under municipal control; and
- o developing a co-ordinated program for rooming houses, including the provision of more support and assistance to legitimate operators.

A. Closing the Loopholes

(1) The City should amend the current definition of a rooming house in the Rooming House By-law so that it includes "quasi rooming houses". This can be accomplished by defining converted dwellings with over ten people as rooming houses in the Rooming House By-law.

(2) The definition of a dwelling unit in the Zoning By-law should be amended to limit residential occupancy to "housekeeping units."

B. Simplifying the Existing Regulations and Definitions

(3) The City should amend the Zoning By-law to replace the term boarding and lodging house" with the term "rooming house".

(4) The term "converted dwelling and lodging house" should be studied with a view to removing it from the Zoning By-law.

(5) The City should investigate the potential for removing limits on the number of rooms allowed in residential districts as set out in the Zoning By-law.

(6) The City should consider adopting the minimum size for dwelling units as set out in the Ontario Building Code in newly created rooming houses and delete the minimum currently in the Zoning and Housing By-laws.

(7) The current provisions regarding sanitary facilities in rooming houses which are in the Zoning By-law should be moved to the Housing By-law.

(8) The Planning Department should undertake a thorough examination of parking needs associated with rooming houses in older residential neighbourhoods.

C. Improving the Enforcement System

(9) The Province should be requested to increase the rights of inspectors to inspect properties suspected of being in violation of municipal regulations.

(10) The City should co-ordinate its enforcement proceedings against rooming houses more effectively, and expedite them in a more pro-active manner. The Province should be asked to assist by removing unnecessary delays in the court proceedings.

(11) The City should establish a combined inspection team that deals with all regulations pertaining to rooming houses, including Zoning, Buildings, Fire and Health.

(12) The City should establish a rooming house "hot line" to which enquiries or complaints from nearby residents, tenants or rooming house operators could be directed. The hot line should have available the name and phone number of the owner or designate of a rooming house.

(13) The City should establish a better monitoring system for rooming house activity including illegal activity.

D. **Enhancing the Licencing System**

(14) The process of obtaining a licence should be streamlined by using the team approach discussed above. This team would most logically be operated out of or under the direction of the Buildings and Inspection Department.

(15) The City should undertake an educational and promotional campaign regarding rooming houses to advise tenants, residents and operators on current regulations and rights of tenants and landlords. This material should be available in various languages.

(16) Advice should be available to rooming house operators on how to meet municipal regulations. Inspectors should be encouraged and advised to assist rooming house operators in addition to searching for infractions to regulations.

(17) The current procedure for reviewing the past conduct of a rooming house applicant should remain and be reviewed in a year's time to see if it needs to be amended.

(18) The licencing by-law should be amended to provide that as a condition of being granted a rooming house licence, the applicant must agree to an inspection as long as reasonable notice is given to the applicant. Such as inspection would be limited to common areas of rooming houses in order to protect the privacy of tenants.

E. **Developing a Co-ordinated Approach**

(19) The City should develop a "rooming house program" incorporating a variety of measures aimed at conserving and improving the rooming house stock.

(20) The Federal Government should be requested to increase funding available under the Rooming House RRAP Program and the eligible rent levels to reflect Toronto rents.

(21) The City, through the City's Housing Department, should become more active in purchasing rooming houses. These could be leased out to non-profit or private operators to run. The Province and Metro should be requested to provide financial assistance to the City for this undertaking.

(22) The Province should be requested to increase funding for programs for non-profit groups to purchase and manage rooming houses.

(23) Metro should be requested not to refer recipients of social assistance to rooming houses which are operating in contravention of municipal regulations.

(24) The City should request the Province to examine ways to deal with residential real estate speculation.

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APPENDICES

APPENDIX A

No. 271-88. A BY-LAW

To prohibit the use of converted dwelling houses, boarding and lodging houses and converted dwelling and lodging houses within certain R2 areas within Wards 1, 2, 3 and 4

(Passed March 21, 1988.)

WHEREAS Council adopted a resolution on the 21st day of March, 1988 directing the Commissioner of Planning and Development to undertake a study respecting land use planning policies pertaining to "boarding or lodging houses", "converted dwelling houses" and "converted dwelling and lodging houses" in certain R2 areas within Wards 1, 2, 3 and 4;

AND WHEREAS Section 37 of the *Planning Act, 1983* permits the Council of a municipality to pass a by-law prohibiting the use of land, buildings or structures in the area under review, for or except for such purposes as are set out in the by-law;

NOW THEREFORE the Council of The Corporation of the City of Toronto enacts as follows:

1. No person shall, within the areas hereinafter described, use any land, building or structure for the purpose of any one or more of the following uses, namely:

a *boarding or lodging house*
a *converted dwelling house* or
a *converted dwelling and lodging house*.

The following are the areas above referred to, namely:

FIRSTLY:

The R2 districts under By-law No. 438-86, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto," as amended, being more particularly shown on the following maps in Appendix "A" of the aforesaid By-law No. 438-86:

Map Nos. 48G-322, 48G-323, 48H-312, 48H-313, 48H-322, 48H-323, 49H-311, 49H-312, 49H-321, 49H-322, 47J-311, 47J-312, 47J-313, 47J-322, 48J-311, 48J-312, 48J-313, 48J-321, 48J-322, 48J-323, 49J-311, 49J-321, 47K-312, 47K-313, 48K-311, 48K-312, 48K-313.

SECONDLY:

The lands designated R2 Z2 under the aforesaid By-law No. 438-86, shown on Map No. 48H-311 in Appendix "A" of the aforesaid By-law No. 438-86,

SAVING AND EXCEPTING thereout and therefrom the lands bounded on the north by Geoffrey Street; on the south by High Park Boulevard; on the east by Indian Road; and on the west by Parkside Drive.

THIRDLY:

That portion of the R2 district, shown on Map No. 48H-321 in Appendix "A" of the aforesaid By-law No. 438-86 and lying to the east of Indian Road.

FOURTHLY:

The lands municipally known on the date of passage of this by-law as 507, 509, 511, 513, 515, 517, 519 and 521 Parkside Drive; parts of 501, 503 and 505 Parkside Drive; 88, 92 and 100 Indian Grove; the said lands being more particularly described as PART 2 on a plan of survey deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as 63R-3562 and that portion of PART 1 on the said plan 63R-3562 lying to the south of a line drawn parallel and perpendicularly distant 27.4 metres southerly from the southerly limit of Bloor Street West.

FIFTHLY:

Those portions of the R2 districts shown on Map Nos. 49H-313 and 49H-323 in Appendix "A" of the aforesaid By-law No. 438-86 and lying to the west of Palmerston Avenue.

SIXTHLY:

The R2 districts shown on Map No. 47J-323 in Appendix "A" of the aforesaid By-law No. 438-86,

SAVING AND EXCEPTING thereout and therefrom that portion of the lands municipally known on the date of passage of this by-law as 372 Pacific Avenue, being more particularly described as the easterly 10.5 metres of the southerly 6.1 metres of Lot 7 in Block 23 according to Plan 553Y registered in the Land Registry Office for the Registry Division of Toronto (No. 63).

SEVENTHLY:

The R2 districts under By-law 278-73, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in certain areas of the City of Toronto formerly comprising the Village of Swansea," as amended, as shown on Map Nos. 46H-323, 47H-311, 47H-312, 47H-321 and 47H-322 in Appendix "A" of the aforesaid By-law No. 278-73.

2. The definitions of the expressions *"boarding or lodging house"*, *"converted dwelling house"* and *"converted dwelling and lodging house"* contained in the aforesaid By-law No. 438-86 and the aforesaid By-law No. 278-73 shall respectively apply to such expressions where used in this by-law.

3. This by-law shall be in effect for a period of six months from the date of passing hereof.

ARTHUR C. EGGLETON,
Mayor.

ROY V. HENDERSON
City Clerk.

Council Chamber,
Toronto, March 21, 1988.
(L.S.)

No. 408-88. A BY-LAW

To amend By-law No. 271-88 respecting converted dwelling houses, boarding or lodging houses and converted dwelling and lodging houses within certain R2 areas within Wards 1, 2, 3 and 4.

(Passed May 20, 1988.)

WHEREAS Council, at its meeting held on the 16th, 17th and 20th days of May, 1988, adopted Clause No. 1 of Executive Committee Report No. 18;

NOW THEREFORE the Council of The Corporation of the City of Toronto enacts as follows:

1. Section 1 of By-law No. 271-88, being "A By-law To prohibit the use of converted dwelling houses, boarding or lodging houses and converted dwelling and lodging houses within certain R2 areas within Wards 1, 2, 3 and 4" is amended by adding thereto following the expression *"boarding or lodging house"* where it appears therein a comma and the expression and semi-colon: ", other than a *boarding or lodging house* owned and operated by a *non-profit institution;* and other than a *boarding or lodging house* that is *owner-occupied.*".

2. Section 1 of the aforesaid By-law No. 271-88 is further amended by adding thereto after the expression *"converted dwelling house"* where it appears therein a comma and the expression and semi-colon: ", other than a *converted dwelling house* in which each dwelling unit comprises a single housekeeping unit consisting of a room or suite of two or more rooms in which culinary and sanitary conveniences are provided for the exclusive use of the person or persons living therein as a *family;*".

3. Section 1 of the aforesaid By-law No. 271-88 is further amended by adding thereto after the expression *"converted dwelling and lodging house"* where it appears therein a comma and the expression: ", other than a *converted dwelling and lodging house,* owned and operated by a *non-profit institution,* in which each dwelling unit comprises a single housekeeping unit consisting of a room or suite of two or more rooms in which culinary and sanitary conveniences are provided for the exclusive use of the person or persons living in such dwelling unit as a *family"* and other than a *converted dwelling and lodging house* that is owner-occupied and in which each dwelling unit comprises a single housekeeping unit consisting of a room or suite of two or more rooms in which culinary and sanitary conveniences are provided for the exclusive use of the person or persons living in such dwelling unit as a *family"*.

4. Section 2 of the aforesaid By-law No. 271-88 is amended by adding thereto after the expression *"converted dwelling house"* a comma and the expression: ", *non-profit institution"*.

5. The aforesaid By-law No. 271-88 is amended by adding thereto as Section 3 the following:

"3. (a) For the purposes of this By-law the expression *"family"* means one person or two or more persons who are interrelated by bonds of consanguinity, marriage or legal adoption, or a group of not more than five unrelated persons, with or without one or more full-time domestic servants, living together as a single housekeeping unit."

(b) For the purposes of this By-law the expression *"owner-occupied"* means the registered owner occupies as his personal residence a dwelling area of not less than 250 square feet.

6. Section 3 of the aforesaid By-law No. 271-88 is renumbered Section 4.

ARTHUR C. EGGLETON,
Mayor.

BARBARA G. CAPLAN
Deputy City Clerk.

Council Chamber,
Toronto, May 20, 1988.
(L.S.)

APPENDIX B

CITY OF TORONTO

DEPARTMENT OF THE CITY CLERK

CLAUSE EMBODIED IN REPORT NO. 14 OF THE EXECUTIVE COMMITTEE WHICH WAS AMENDED AND ADOPTED BY CITY COUNCIL AT ITS MEETING ON APRIL 5, 1988.

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PLANNING STUDY - ROOMING HOUSES R2 DISTRICTS

The Executive Committee submits, without recommendation, the report (March 25, 1988) from the Commissioner of Planning and Development and advises that the Commissioner of Planning and Development will be reporting further directly to City Council on April 5, 1988:

Subject: Planning Study of Rooming Houses in R2 Districts within Wards 1, 2, 3, and 4 - Terms of Reference

Origin: Motions by Alderman Betty Disero, approved by Council on 21 March 1988 (c71exec88032:172)

Comments: On 21 March 1988 Council had before it two related motions by Alderman Disero regarding boarding and lodging houses, converted dwelling houses, and converted dwelling and lodging houses in Wards 1, 2, 3 and 4. The preamble to Alderman Disero's motions expresses concern about the appropriateness of the existing standards that apply to the subject uses in the named wards. It suggests that there may be a perception that these standards do not adequately ensure the compatibility of such dwellings with the stable residential areas in which they are located. On this basis, one motion directs that I "undertake a review or study of the land use planning policies pertaining to "boarding and lodging houses", "converted dwelling houses" and "converted dwelling and lodging houses" in R2 districts within Wards 1, 2, 3 and 4". The second motion enacts an interim control by-law, to be in effect for six months, to prohibit the uses concerned in the west end wards of the City. Both motions were approved by Council.

The present report responds to the request for a planning study. Although Council has only asked that I consider "land use planning policies", it appears to me that a somewhat broader focus is required. Alderman Disero's motion mentions potential or perceived problems of "insufficient parking facilities, overcrowding, poor maintenance and poor management". Only the first issue is clearly a zoning or land use concern. Questions of occupancy (overcrowding) and maintenance are more appropriately dealt with in the City's Housing By-law, No. 73-68 as amended. The management of rooming houses is controlled to some extent by the licensing requirements contained in the City's Rooming House By-law, No. 502-80. Further, it is clear from discussions among staff and members of Council that the regulations and standards contained in these various pieces of legislation are only part of the overall concern respecting rooming houses and converted dwellings; enforcement of the by-law provisions is also an important consideration.

I suggest that in order for my study to derive useful information upon which Council can, with confidence, take future actions, these other areas should be investigated: occupancy and maintenance standards; licensing requirements and procedures; and means of enforcement.

The interim control by-law prohibiting the uses in question is in effect for only six months. In the event that appeals to the interim control by-law are filed, an Ontario Municipal Board hearing may be scheduled before the term has expired (the appeal period is within sixty days from the date of mailing of the by-law). I feel, therefore, that the proposed review should be conducted as expedi-

tiously as possible. Given this sense of urgency and the suggested broader focus of study, I recommend that the City engage the services of an outside consultant to work under my direction. My Department does not otherwise have the staff resources to undertake a project of this scale within the time constraints contemplated. As the Department's current Operating Budget cannot provide for the cost of a consultant's study, it will be necessary for Council to provide funding. I estimate that the required amount will be in the range of $20,000.00 to $30,000.00

I have attached as Appendix A the terms of reference for a study of the policies and regulations affecting boarding or lodging houses, converted dwelling houses and converted dwelling and lodging houses in R2 districts within Wards 1, 2, 3 and 4. Appendix B following is a list of consulting firms with experience in this area of research. I have consulted with the City Solicitor and the Commissioners of Housing and Buildings and Inspections in preparing this report; they concur with the recommendations below.

Recommendations:

1. That authority be granted to invite proposals from consulting firms to carry out a study of policies and regulations affecting boarding or lodging houses, converted dwelling houses and converted dwelling and lodging houses in R2 districts within Wards 1, 2, 3 and 4, in accordance with the terms of reference contained in Appendix A.

2. That I be requested to report directly to Council on April 5, 1988 on the selection of a consultant and the funding that will have to be provided.

—

Appendix A

A Planning Study of Converted Dwellings and Rooming Houses in Toronto's West End

(Terms of Reference)

Background: There are currently 171 rooming houses in Wards 1, 2, 3 and 4 that are licensed or that have active licence applications in process. This represents 27% of the total number of licensed rooming houses in the City, the majority of which are located in Wards 5, 6 and 7. In 1987, there were, according to the assessment files, 6,844 properties in the west end wards that were owner-occupied rental properties. While some of these may be rooming houses, the majority are buildings that were originally constructed as duplexes and triplexes and single family homes that have been converted to contain two or more flats. This represents 58% of the City's stock of this type of housing.

At present, there are 3 principal bodies of City legislation that set standards and regulate rooming houses and converted homes: the Zoning By-law No. 438-86 as amended; The Housing By-law No. 73-68 as amended; and The Rooming House By-law No. 502-80. In addition, the Ontario Fire Code and Building Code apply to these buildings and other structures.

Rooming houses may be defined in the Zoning By-law as either "boarding or lodging houses" or "converted dwelling and lodging houses". In addition, houseform buildings that have been converted to contain two or more self-contained dwelling units are defined as "converted dwelling houses". These 3 forms of housing are qualified uses permitted in R2 districts. The qualifications contained in Section 6 of the Zoning By-law in effect establish a number of physical standards that must be met, including limits on the numbers of rooms; minimum floor areas of rooms and units; restrictions to the number, size and location of any additions; and restrictions on alterations to the building's physical appearance. Each one of these uses also has a parking requirement specified in the Zoning By-law. General zoning standards that apply to other residential uses also apply to converted dwelling houses, boarding or lodging houses and converted dwelling and lodging houses, viz: height, setbacks, density and landscaped open space.

The Housing By-law establishes a wide range of standards affecting the construction, occupancy and maintenance of residential buildings. Many of these requirements are aimed at health and safety matters. In certain areas, specific standards apply to rooming houses that do not generally apply to other forms of housing. Fire safety measures in particular are covered by the Fire Code.

The Rooming House By-law requires that rooming houses be licensed in order to operate. The licence application procedure is aimed at ensuring that all of the City's by-laws, including the zoning and housing by-laws, are complied with. At the moment, a rooming house licence effectively applies to a property, not to a rooming house owner or operator. For example, licences may be transferred during the period for which they are valid provided that the registered owner gives proper notice of a pending change in ownership. Further, the authority to issue licences rests with the Licensing Commissioner, who is the Deputy Commissioner of Buildings and Inspections. In the event that the Licensing Commissioner is satisfied that an applicant properly meets all of the relevant City by-law requirements, he may issue a license. This precludes public scrutiny and any considerations of how a rooming house has been or may be operated, managed or supervised. The only licensing requirement pertaining directly to the matter of supervision is a requirement to post on the premises the name, address and phone number of the owner of the rooming house, together with the same information about a person to be contacted in the case of an emergency. It may be possible, however, to expand the discretionary aspects of the licensing procedure to include a performance review and to involve public input. It may also be possible to require operators as well as properties to be licensed. To recommend these changes, however, will require a detailed examination of the potential difficulties in formulation and implementation.

Concerns have been raised regarding the various regulations and procedures discussed above. They can be summarized as follows:

(1) the standards that exist do not adequately ensure the compatibility of rooming houses with the stable residential areas in which they are located;

(2) the intent of the standards may not be realized because of technical or legal "loopholes"; and

(3) the standards are circumvented altogether due to difficulties in enforcement.

If any or all of the above three areas of concern apply, then it is reasonable to expect that existing neighbourhoods may be negatively impacted by the presence of converted dwellings and rooming houses. Of the impacts feared most by residents, the two that can be objectively measured and that seem to be cited most often are a diminution in property values; and an aggravation of local parking problems.

The areas of concern and their potential neighbourhood impact are perceived by some to be especially significant to the extent that the number of new rooming houses and converted dwellings is increasing inordinately or is likely to do so in the future. The west end of the City (Wards 1, 2, 3 and 4) has been suggested as an area that may be vulnerable to these activities and pressures. Available data indicate that the largest numbers of rooming houses are located in central Toronto and that the stock of converted homes in the City has been steadily eroded over the past two or more decades. However, there may be particular concentrations of these uses and recent trends in their numbers which have yet gone unnoticed and which now bear closer examination.

Purpose of Study

1. Determine the magnitude and nature of any potential negative impacts of rooming houses and converted dwellings on R2 neighbourhoods in Wards 1, 2, 3 and 4.

2. Determine whether the existing municipal regulations and licensing procedures affecting rooming houses and converted dwellings are adequate, as they are presently implemented, in mitigating any of the potential negative effects identified in (1).

3. Make recommendations to establish new regulations, procedures, enforcement methods or incentive programmes to address any inadequacies identified in (2).

Tasks

1. Clarify the issue

   - identify those characteristics of rooming houses and converted dwellings (form, appearance, occupants, operation, etc.) that are perceived to have the potential of impacting negatively on residential neighbourhoods;

     (possible information sources include: studies and reports on the topic; and interviews with planners, Housing staff, building inspectors and other appropriate officials and experts; interviews with resident group representatives, selected neighbourhood residents and elected Ward representatives).

2. Determine the scale of the issue

   - determine the numbers of rooming houses and converted dwellings in R2 districts in Wards 1, 2, 3 and 4;
   - identify any spatial concentrations of these dwellings within the given areas;
   - identify any trends in the numbers and degree of concentration of these dwellings in the subject areas in the last 5-10 years;
   - based on present numbers and trends and given the characteristics of the local housing stock, estimate the potential for future growth and/or concentration in the supply of rooming houses and converted dwellings in Wards 1, 2, 3 and 4;

     (possible data sources include: property tax assessment files and the Housing Occupancy Analysis System; Census; City listing of licensed rooming houses; City property land use file).

3. Investigate the impact of rooming houses and converted dwellings on property values

   - undertake a comparative property value impact study to measure the effect on local property values of the 171 licensed rooming houses in Wards 1, 2, 3 and 4;
   - review and summarize findings of a comparative property value impact study of the effect on local property values of a sample of converted dwelling houses in Toronto;

     (possible information sources include: City listing of licensed rooming houses; in-field surveys; Teela Market Surveys; City property land use file; Ekos/Ministry of Housing Report, "The impact of conversions on neighbourhoods: property values and perceptions").

4. Investigate the impact of rooming houses and converted dwellings on local parking

   - determine the incidence of car ownership among occupants of the 171 licensed rooming houses and of a statistically significant sample of converted dwellings in Wards 1, 2, 3 and 4;
   - determine the amount of parking and type (e.g. on-site, leased off-site, front yard or boulevard, permit, etc.) associated with each of the surveyed properties;
   - identify shortfalls in parking supply resulting from excessive demand/insufficient facilities;

     (possible information sources include: City listing of licensed rooming houses; Housing Occupancy Analysis System; in-field surveys; Public Works permit applications).

5. Analyse the Zoning regulations

   - review the existing standards and qualifications in the Zoning By-law that apply to converted dwelling houses, boarding or lodging houses and converted dwelling and lodging houses in R2 districts as well as in other R districts;

- analyse in particular the parking standards for the subject uses in light of the findings of the parking survey;
- identify any difficulties with interpretation, exemption and enforcement of zoning regulations;

(possible sources include: existing studies and reports; interviews with planners, building inspectors and other appropriate officials and experts).

6. Analyse the Housing standards
   - review the existing housing standards that apply to rooming houses and converted dwellings;
   - identify any difficulties with interpretation, exemption and enforcement of housing standards;

   (possible sources include: existing studies and reports; interviews with planners, building inspectors and other appropriate officials and experts).

7. Analyse the licensing procedures
   - review the existing requirements and procedures for licensing and monitoring rooming houses;
   - identify any difficulties in the licensing requirements and procedures from an operational and enforcement viewpoint;
   - identify and evaluate the potential for more discretionary control over rooming house operations through licensing requirements and procedures, including the licensing of operators, performance reviews and the role of the community;

   (possible sources include: existing studies and reports; interviews with planners, building inspectors and other appropriate officials and experts).

8. Analyse government incentive programmes
   - review existing government funding programmes, such as the Federal Residential Rehabilitation Assistance Programme (RRAP) and the Provincial Convert-to-Rent (CTR) and Low Rise Rehabilitation Programme for Rooming Houses (LRRP-R), that may act as incentives for the upgrading and improved maintenance of rooming houses and converted dwellings;
   - identify programme limitations (including conditions which may aggravate or increase neighbourhood and planning concerns) and any obstacles to take-up in the City;

   (possible sources include: existing studies and reports; interviews with local housing and building officials and officials at other government levels).

9. Recommend changes in the regulations and procedures
   - based on an understanding of the nature and magnitude of the issue and in light of the observed inpact on neighbourhoods, specify any changes to the existing zoning, housing and licensing requirements and procedures that may be necessary to mitigate any negative impacts of rooming houses and converted dwellings in R2 districts within Wards 1, 2, 3 and 4;

10. Recommend changes in enforcement
    - based on an understanding of the degree of conformity between the standards that apply to rooming houses and converted dwellings and what actually exists on the street, suggest new methods of monitoring and enforcing these and any new standards;

11. Recommend changes in incentives

- based on experience with the existing government funding programmes, recommend changes to these programmes and/or suggest any new approaches aimed at encouraging the owners of rooming houses and converted dwellings to upgrade and better maintain their properties.

Proposal Requirements: The successful consultant must be prepared to commence work on the planning study as soon as possible, with a view to submitting a final report before 1 July 1988. The cost should not exceed $30,000.00.

Proposals should include:

- a timing estimate;
- a total budget estimate including the preparation of ten copies of the final report and presentation to the Housing Action Committee and Land Use Committee;
- an outline of the proposed methodology;
- a summary of work undertaken by the firm that qualities it for a study of this nature.

Written proposals must be delivered no later than 10:00 a.m., Tuesday, 5 April 1988 to:

Commissioner of Planning and Development
18th Floor, East Tower
City Hall
Attention: David Allester

For further information contact David Allester at 392-7339.

Appendix B

Proposals for undertaking the survey outlined in Appendix A could be requested from:

Berridge, Lewinberg, Greenberg

John Bousfield Associates Ltd.

Alan E. Brass Associates Inc.

Comay Planning Consultants

M.M. Dillon Ltd.

Richard Drdla Associates

Marshall Macklin Monaghan Ltd.

The Starr Group

Robert Truman and Associates

Council Action - April 5, 1988

During consideration of this Clause, Council also had before it a report (April 5, 1988) from the Commissioner of Planning and Development. (Copy attached)

Council amended this Clause by adding at the end thereof the following:

"It is recommended:

1. that the report (April 5, 1988) from the Commissioner of Planning and Development be adopted, and that the necessary funds in the amount of $30,000 be provided from Contingency Account No. 722-640; and

2. that the Roomers' Association, residents of rooming houses, various housing emergency organizations, and representatives of Ecu-Home, Christian Resource Centre, Homes First, Cityhome, and the Supportive Housing Coalition be consulted in respect of this study."

A Planning Study of Rooming Houses in Toronto's West End

(Amdnded Terms of Reference)

PURPOSE OF STUDY

1. Determine the magnitude and nature of any potential negative impacts of rooming houses on R2 neighbourhoods in Wards 1, 2, 3 and 4.

2. Determine whether the existing municipal regulations and licensing procedures affecting rooming houses are adequate, as they are presently implemented, in mitigating any of the potential negative effects identified in (1).

3. Make recommendations to establish new regulations, procedures, enforcement methods or incentive programmes to address any inadequacies identified in (2).

4. Analyse the positive role of rooming houses in providing accommodation for a segment of the housing market and make recommendations to reinforce this contribution.

DATA

The study will consider information from a number of sources:

- reports and studies by the City of Toronto, Ministry of Housing, private consultants and other experts;

- interviews with government officials and elected representatives;

- interviews with selected residents, resident group representatives, rooming house occupants and operators;

- interviews with appropriate social service agencies and housing and tenant support groups;

- City land use, licensing and permit data;

- data from the property tax assessment, Census, Teela surveys and other sources; and

- in-field surveys.

TASKS

1. Clarify the issue

   - identify those characteristics of rooming houses (form, appearance, occupants, operation, etc.) that are perceived to have the potential of impacting negatively on residential neighbourhoods;

   - for those rooming houses that are illegal in respect of government regulations, identify likely reasons for their illegal status;

   (possible information sources include: studies and reports on the topic; interviews with planners, Housing staff, building inspectors and other appropriate officials and experts; interviews with resident group representatives, selected neighbourhood residents, rooming house operators and tenants and elected Ward representatives).

2. Determine the scale of the issue

   - determine the approximate numbers of rooming houses in R2 districts in Wards 1, 2, 3 and 4;

   - if practicable, estimate what proportion of the rooming house stock is illegal;

   - identify any spatial concentrations of rooming houses within the given areas;

   - identify any trends in the numbers ~~and degree~~ of concentration of these dwellings in the subject areas in the last 5-10 years;

   - based on present numbers and trends and given the characteristics of the local housing stock, estimate the potential for future growth and/or concentration in the supply of rooming houses in Wards 1, 2, 3 and 4;

   (possible data sources include: property tax assessment files and the Housing Occupancy Analysis System; Census; City listing of licensed rooming houses; City property land use file).

3. Investigate the needs of rooming house tenants

   - conduct a survey of residents of 20 rooming houses in Wards 1, 2, 3 and 4 regarding their views on their accommodation; their housing and/or support needs; and their views on maintenance and the operation of rooming houses;

     (possible data sources include personal interviews).

4. Investigate the impact of rooming houses on local parking

   - determine the incidence of car ownership among occupants of a representative sample of rooming houses in Wards 1, 2, 3 and 4;

   - determine the amount of parking and type (e.g. on-site, leased off-site, front yard or boulevard, permit, etc.) associated with each of the surveyed properties;

   - identify shortfalls in parking supply resulting from excessive demand/insufficient facilities;

     (possible information sources include: City listing of licensed rooming houses; Housing Occupancy Analysis System; in-field surveys; Public Works permit applications).

5. Explore the economics of rooming houses

   - develop pro-formas for four prototypical rooming houses : two absentee-owned, one owner-occupied and one non-profit;

   - using a range of assumptions and market conditions determine the economic performance of each model;

   - examine the likely implications for rent levels, re-sale value and investment in maintenance/operations;

     (possible information sources include: interviews with realtors, rooming house operators and financiers; TEELA Market Surveys; Task Force on Roomers, Lodgers and Boarders and other reports).

6. Analyse the Zoning regulations

- review the existing standards and qualifications in the Zoning By-law that apply to converted dwelling houses, boarding or lodging houses and converted dwelling and lodging houses in R2 districts as well as in other R districts;

- specifically review the zoning provisions respecting the definition of "dwelling unit", including possible occupancy requirements or restrictions;

- analyse in particular the parking standards for boarding or lodging houses and converted dwelling and lodging houses in light of the findings of the parking survey;

- identify any difficulties with interpretation, exemption and enforcement of zoning regulations;

(possible sources include: existing studies and reports; interviews with planners, building inspectors and other appropriate officials and experts).

7. Analyse the Housing standards

- review the existing housing standards that apply to rooming houses;

- identify any difficulties with interpretation, exemption and enforcement of housing standards;

(possible sources include: existing studies and reports; interviews with planners, building inspectors and other appropriate officials and experts).

8. Analyse the licensing procedures

- review the existing requirements and procedures for licensing and monitoring rooming houses;

- identify any difficulties in the licensing requirements and procedures from an operational and enforcement viewpoint;

- identify and evaluate the potential for more discretionary control over rooming house operations through licensing requirements and procedures, including the licensing of operators, performance reviews and the role of the community;

(possible sources include: existing studies and reports; interviews with planners, building inspectors and other appropriate officials and experts)..

9. Analyse government incentive programmes

- review existing government funding programmes, such as the Federal Residential Rehabilitiation Assistance Programme (RRAP) and the Provincial Convert-to-Rent (CTR) and Low Rise Rehabilitation Programme for Rooming Houses (LRRP-R), that may act as incentives for the upgrading and improved maintenance of rooming houses;

- identify programme limitations (including conditions which may aggravate or increase neighbourhood and planning concerns) and any obstacles to take-up in the City;

(possible sources include: existing studies and reports; interviews with local housing and building officials and officials at other government levels).

10. Analyse the changing role of rooming houses

- based on an understanding of the nature and magnitude of the issue and in light of the needs of rooming tenants and the market forces at play, comment on the role that rooming houses play now in accommodating a segment of the population and what likely role rooming houses will play in the near future.

11. Recommend changes in the regulations and procedures

- based on an understanding of the nature and magnitude of the issue and in light of the observed impact on neighbourhoods, specify any changes to the existing zoning, housing and licensing requirements and procedures that may be necessary to mitigate any negative impacts of rooming houses in R2 districts within Wards 1, 2, 3 and 4.

12. Recommend changes in enforcement

- based on an understanding of the degree of conformity between the standards that apply to rooming houses and what actually exists on the street, suggest new methods of monitoring and enforcing these and any new standards.

13. Recommend changes in incentives and government programmes.

- based on experience with the existing government funding programmes, recommend changes to these programmes and/or suggest any new approaches aimed at encouraging the owners of rooming houses and converted dwellings to upgrade and better maintain their properties;

- suggest government programmes (possibly including construction, acquisition and leasing) to promote the supply of accommodation for rooming house residents;

- suggest amended or new government programmes for tenants that affect rooming house operations, including policies respecting the means of issuing social assistance payments.

APPENDIX C

APPENDIX C

PEOPLE INTERVIEWED AND CONTACTED DURING ROOMING HOUSE STUDY

1. Elected Ward Representatives

Ward 1
Councillor Derwun Shea
Alderman William Boytchuk

Ward 2
Councillor Ben Grys
Alderman Chris Korwin-Kuczynski

Ward 3
Councillor Richard Gilbert
Alderman Betty Disero

Ward 4
Councillor Joe Pantalone
Alderman Tony O'Donohue

Other City Politicians and Assistants interviewed with an interest in housing: Counillor Jack Layton, Alderman Dale Martin, Alderman Nadine Nowlan, Alderman Barbara Hall, Eileen Quinn (assistant to Barbara Hall), and Nick Traino (assistant to Willian Boytchuk).

2. Community and Social Service Organizations

Kim File - Ecuhome Corporation
Michael Shapcott - Christian Resource Centre
David White - Supportive Housing Coalition
Elizabeth Greaves - Homes First
Mary Ellan Pollak - Habitat
Lindsey Bent - Houselink
Gus Sandusky - First Step
Ruth Schemli - Habitat

3. City of Toronto Planning & Development Department

John Gladki - Programme Manager, Policy, Research and Information Division
David Allester - Study Co-ordinator
Tom Ostler - Planner
Vykki Silzer - Planner
Freda Fyles - Planner
Bruce McCormick - Planner
Tina Rowan - Planner
Paul Burns - Planner
Danny Fong - Planning Student

4. **City of Toronto Housing Department**

Bob Yamashita - Housing Project Manager
Jean Fox - Public Education Information Officer

5. **City of Toronto Legal Department**

Dennis Perlin - City Solicitor
Teresa Kowalishin - Solicitor
Ted Yao - Solicitor

6. **City of Toronto Buildings and Inspections Department**

Bob Bonner - Deputy Commissionerr
Jim Laughlin - Manager, West End Plans Examiners
Richard Bishop - Manager, Records & Information
Danny Shimsky - Manager, Property Information
Phil Burns - District Manager, West End
Joyce Dimopoulos - Senior District Clerk
Zarenia Ladha - Senior District Clerk
Ron Miller - Area Manager, West End
Mike Dixon - Area Manager, West End
Pam Bradley - Manager, By-law Enforcement

7. **Metro Toronto Licensing Commission**

Carol Ruddell-Foster - General Manager

8. **Metro Community Services Department**

Ray Lazanik - General Manager, Social Services Division
Lynne Morrow -Policy Co-ordinator, Policy and Planning Division

9. **Province of Ontario, Ministry of Housing**

Terry Fagan - Co-ordinator for Special Projects

10. **Canada Mortgage and Housing Corporation**

Ray Walker - Senior RRAP Adminstrator, Lending Opertions

11. **West End Resident Groups and Organizations**

Irma Pattison - Runnymede - Jane Homeowners' Association
Catherine Menkes - Dufferin/Grove Residents' Association
Barbara Miller - Roncesvalles MacDonnell Residents' Association
Richard Baker - Regal Heights Residents' Association
Dale Riche - Dovercourt Park Area Residents' Association

12. Other Persons Interviewed/Contacted

Nancy Hawley -Policy Advisor, Mayor's Office,
City of Toronto

Jack Collins - Director of Fire Prevention
A. Antoniou - Supervisor, Parking Permit Branch,
Public Works
Mark Piplica - Administrative Clerk, Permit Parking Branch,
Public Works

Evelyn Brown - Solicitor, Ministry of Housing

APPENDIX D

APPENDIX D: Historical Perspective on Rooming Houses

The City has been actively involved with rooming houses for many years. These dealings generally have been concerned with increasing municipal control over this activity. In more recent years, however, it has turned its attention somewhat more toward promoting and supporting rooming houses.

The City first became involved with rooming houses in the early 1970's. After a number of fires in rooming homes, the City hired Peat Marwick and Partners in 1974 to conduct a wide-ranging study of rooming houses. Many of the conclusions and findings of this study still remain valid today. The recommendations led to establishing the licensing system for rooming houses in the City. They also produced changes in the enforcement procedures, and in the housing standards by-law regarding fire safety and maintenance.

The licensing of rooming houses started in November 1974 with the passing of the Rooming House By-law No. 229-74. At that time, it required that all absentee-owned rooming house be licensed.

In a parallel effort, the Province enacted its first fire regulations in 1974. These, coupled with the licensing system, had a significant impact on rooming houses. To obtain a license, the buildings had to undertake major repairs in order to pass an inspection. The City requirements generally were not onerous, but the changes required for the fire standards often proved to be costly.

These regulatory changes appear to have caused a substantial drop in rooming houses. The City estimated that there were 1,600 absentee-owned rooming house before licensing was started, but by 1978 only 600 licenses had been issued. This figure for absentee-owned licenses has never been exceeded to this day.

During this period, Cityhome acquired a number of rooming houses. Most of these were obtained as a result of development negotiations over South St. James Town. None of these are in the West End.

In the late 1970's, additional controls on rooming houses were imposed as a result of the bachelorette clean-up. Although acting to stop bachelorettes, the City placed many restrictions in the Zoning By-law on rooming houses and converted dwelling houses. New regulations were added in a long series of "intents", which were later incorporated in By-laws 321-78, 322-78 and 323-78 in May 1978. Among the most significant regulations affecting rooming houses were prohibitions on rooming houses in new buildings, limits in the number of rooms, increases in parking requirements, restrictions on private bathroom facilities, and limits on the minimum average size of units.

The number of licensed rooming houses continue to drop during this period, reaching a low point of 400 in 1980. There is some evidence indicating that many rooming houses were converted into bachelorettes. The reasons why are a matter of speculation: it may have been due to economic reasons, and/or because of the earlier regulations.

The Mayor's Task Force on Bachelorettes was set up in January 1979 to review the bachelorette controls. In April of that year, the Task Force reported that these controls were severely limiting the supply of rooming houses. It recommended that most of the controls be modified or eliminated, and that a more positive climate be created for rooming houses. None of the recommendations of the Task Force regarding rooming houses, however, were acted upon by Council.

In 1980, the licensing requirements were extended to include owner-occupied and non-profit rooming houses.

In August 1981, Council approved By-law 501-81 that incorporated By-law 321-78 et al with the various amendments, along with one additional control on average units sizes. This action produced the last of the extant by-laws controlling rooming houses.

Further revisions to the fire regulations were made in 1981 requiring regular upkeep of the safety equipment by the owners. 1983 brought in the retrofit provisions for rooming houses being renovated.

The City's Interdepartmental Task Force on Affordable Housing was established in early 1982. It was instructed to "to look specifically at how efficiently the present housing stock is being used, with a view to promoting more housing opportunities at a reasonable coat." Their first major report was dated September 1982, followed by various additional reports, including another major one in November 1984. As part of this work, the various regulations controlling rooming houses were examined at length, and many recommendations made to simply and harmonize them. Again, no action has been taken to date on those controls affecting rooming houses.

In the last few years, the City has taken a more active role in assisting and supporting rooming houses. In 1983, Cityhome set up Rooming House RRAP, which draws upon federal RRAP funding to provide financial assistance for maintenance and improvements. In 1984, the Buildings Department along with Cityhome set up Contract after Care (CAP) which provides low-interest loans for capital improvements to rooming houses. In 1985, Metro with Cityhome's involvement helped to establish Habitat, a non-profit agency that subsidizes per diem rates for ex-psychiatric patients living in rooming houses.

In May 1988, the Mayor announced a new City initiative directed at providing more affordable housing for low-income singles. The

Mayor wants the City to provide accommodation for 1000 people in additional rooming houses and low-cost apartments. No specific target for rooming houses has been set, but a substantial participation is expected from the private non-profit sector. Th City could be involved in buying and converting single family homes to rooming houses. The initiative has been approved by Council and received support by the Ministry of Housing.

APPENDIX E

APPENDIX E: Study Methodology and Instruments

General Methodology

The study used a variety of methodologies including personal and telephone interviews of local aldermen and councillors, tenants of rooming houses, residents in the West End, rooming house operators, municipal, Provincial and Federal officials involved with housing and rooming houses. Group discussions were held with agencies involved in emergency accommodation and the provision of housing for low-income singles as well as with Building inspectors in the West End. Discussions were also held with City officials involved in the licencing of rooming houses and with licensing officials at Metro and the Province.

Data obtained from the Building Department on licenced rooming houses was also examined and manipulated as was data on parking permits issued to those in rooming houses and summons files on rooming houses. Assessment data was used to estimate the number of rooming houses, however, as was described in Section 3, field examinations of such dwellings indicate that the assessment data was unreliable. Individual rooming houses were also examined in terms of the availability of parking on the site.
Finally, an extensive review of the literature on rooming and housing for low-income singles was conducted.

Resident, Operator and Tenant Surveys

Specially designed questionnaires were prepared to survey West End neighbourhood resident groups, rooming house operators and tenants. A total of 5 resident groups and 9 rooming house operators (owner-occupant, absentee-owner, and non-profit) were interviewed at length by telephone. The list of resident groups was prepared with the assistance of the City of Toronto Planning and Development Department. Operators were selected from the list of licensed rooming houses provided by the City of Toronto Buildings and Inspection Department.

Forty-five West End rooming house tenants were surveyed for the study. The tenant sample was randomly selected primarily from the list of licensed rooming houses. In addition, the housing placement office at Queen Street Mental Health Centre was consulted to obtain further information on unlicensed rooming houses. Rooming houses falling within the City of Toronto's R2 zoning areas were the primarily focus of the study. Tenants from five categories of rooming houses were surveyed: licensed owner-occupied, licensed absentee owned, licenced non-profit, unlicensed absentee owned, and unlicensed owner-occupied. Tenants were interviewed in person at the rooming house.

The tenant survey was directed towards those residents of rooming houses which provide accommodation only. Rooming or boarding houses which provide meals for its residents were not included in the survey. This would have required a separately designed questionnaire which could not have been effectively executed within the scope of the study.

QUESTIONS FOR RESIDENTS

1. Explain nature of the study.

2. Part of the purpose of the study is to look at the effect of rooming houses on the adjacent neighbourhood. What do you think are the positive and negative effects of rooming houses on adjacent residential areas?

3. Do you think more controls are needed for rooming house operations? If so, what kind of controls?

4. Do you think that in the granting of licences, that rooming house operators should be licenced? Right now the house is licenced, not the operator.

5. Do you think the City should take a more active role in the operations of rooming houses? If yes, explain how.

5. Do you think it is important for the City to try to maintain rooming houses as a form of housing for certain individuals?

SURVEY OF ROOMING HOUSE OPERATORS

LICENCEE:_____
_____
_____

Class___ Type____

Phone #: _____

Date Called_____ NA__ Busy___ In___
_____ NA__ Busy___ In___
_____ NA__ Busy___ In___

Comments:_____
_____
_____

_____

INTRODUCTION: Hello. My name is _____. I'm phoning on behalf of the Starr Group, a private contulting group hired by the City of Toronto to undertake a study of rooming houses in the West End of the City of Toronto. As you know the City of Toronto has passed an interim control by-law covering all absentee-owned rooming houses in R2 zones. We would like to ask you a few questions about running a rooming house and about the City's regulation and enforcement procedures. Your co-operation will assist us in our recommendations to the City. Do you have 10 to 15 minutes to talk to us.

1. How long have you operated a rooming house?
____ years.

2. How many rooming houses do you operate?
_____

3. How many rooms/flats/apartments do you have in each house?

rooms	____	_____	_____
flats	____	_____	_____
apartments	____	_____	_____

4. Do you provide cooking facilities in your rooms or a shared kitchen?
_____ cooking facilities in room
_____ shared kitchen
_____ other

5. How many people share a washroom in your rooming house?
____

6. What type of tenants tend to rent in your rooming house?
_____
_____

7. What rent do you charge for your rooms?
_____/month or _____/week

8. Do you manage the building yourself or do you have help? What kind of help do you have?
____-on-site super
____-on-site manager
____-other

9. What common facilities are provided for tenants (besides a kitchen)?
_____
_____

10. What are your approximate operating expenses per month per unit?

_____ property taxes
_____ utilities
_____ mortgage paymments (principal and interest)
_____ staff costs
_____ maintenance/repairs
_____ insurance
_____ administrative
_____ furnishings/appliances

11. Approximately how much do you spend per year on capital improvements (on a per unit basis)?

12. Do you have any problems with the current licencing procedures or municipal regulations regarding rooming houses?
Yes ___ No ____

If yes, Please explain._____
_____
_____
_____
_____

13. The City is considering licencing the operator as well as the house. Do you think this would be a good system?

14. How do you think the City should deal with complaints from local residents, e.g., regarding noise or maintenance of the building?

15. Do you think the City should be able to enter a licenced rooming house to determine if municipal regulations are being adhered to? How much notice should a rooming house operator be given?

16. Have you ever used any government assistance programs to upgrade your rooming house, e.g., Rooming House Rehabilitation Assistance Program, the Convert-to-Rent Program, etc.

17. Is there some form of assistance that the City or other levels of government should be giving to landlords of rooming houses?

ROOMING HOUSE SURVEY

Address:_____
Room # or Location:_____

INTRODUCTION: HI, MY NAME IS_____. I'M WORKING ON BEHALF OF THE STARR GROUP, A PRIVATE COMPANY HIRED BY THE CITY TO STUDY ROOMING HOUSES. I'D LIKE TO ASK YOU A FEW QUESTIONS ABOUT YOUR HOUSING AND HOW IT COULD BE IMPROVED. DO YOU HAVE A FEW MINUTES? ALL RESPONSES WILL BE KEPT CONFIDENTIAL.

A. PRESENT HOUSING

FIRST OF ALL I'D LIKE TO ASK YOU SOME GENERAL QUESTIONS ABOUT YOUR CURRENT ACCOMMODATION.

1. What kind of a place do you live in?

_____ room WITH NO kitchen or bathroom facilities
_____ room WITH kitchen facilities and SHARED bathroom
_____ bachelor apt. WITH cooking facilities and bathroom
_____ other* _____
_____

2. Please describe your cooking facilities.
a) Do you have...

	Private	Shared	If shared, # of persons
hot plate	_____	_____	_____
stove	_____	_____	_____
fridge	_____	_____	_____
cupboards	_____	_____	_____

Comments_____
_____
_____

3. Please describe your bathroom/washing facilities.

	Private	Shared
shower	_____	_____
tub	_____	_____
washbasin	_____	_____
toilet	_____	_____

4. How long have you lived in your present accommodation?

_____months _____ years

5. (a) With how many people do you share your room or apartment?_____

(b) What is their relationship to you?
_____ friends
_____ girl friend/ boy friend/ spouse
_____ we just share a room

6. (a) How many rooms and apartments are in the entire building?
_____ rooms
_____ apartments (unit sizes)_____

(b) How many tenants? _____

7. Why did you move to your present accommodation?
(PROBE)

_____
_____
_____

8. Do you own a car(s)? _____ no. of cars

Does anyone else living with you own a car?
_____car(s)

9. Where do you park?

_____ driveway
_____ street If yes, do you have a permit? yes ___ no ___
_____ garage
_____

other(Specify)_____
_____

B. PREVIOUS ACCOMMODATION

10.(a) Where did you live before you moved to your present location?

____ a room in this house
____ a room in another house
____ a flat (no private entrance)
____ in self-contained apartment
(describe: bachelor, 1 or 2 bedroom, etc._____)
____ hotel
____ group home
____ hostel
____ at home with parents
____ other (specify _____)

10(b) Where did you live before you moved to your present address?

___ City of Toronto ___ another municipality in Metro Toronto
nearest intersection _____
___ outside of Metro, specify_____

11. How often have you moved in the past year, including the move to your present address?

____ once
_____ twice
_____ three times
_____ four times
_____ five or more times

C. HOUSING SATISFACTION

12. How satisfied are you with your present accommodation?
(CIRCLE RESPONSE)

Very Satisfied satisfied indifferent dissatisfied Very Dissatisfied

13. What do you like most about living here?

(Probe)_____
_____
_____

14. What do you dislike most about living here?
(Probe)_____
_____
_____
_____

15. Do you have enough living space? yes___ no___

How large is your room?_____ x_____ approximate dimensions

16. Do you have enough privacy?

____ yes _____ no
comments_____
_____
_____

17. Who manages the building?

___ the owner who lives in the house
___ the owner who lives elsewhere
____ a superintendent who runs the house for the owner
____ other (specify)_____

18. How satisfied are you with the management of the building?
(CIRCLE RESPONSE)

Very Satisfied Satisfied Indifferent Dissatisfied Very Dissatisfied

IF DISSATISFIED OR VERY DISSATISFIED, What bothers you about the way the house is run?

_____
_____
_____

19. How satisfied are you with the maintenance and physical upkeep and appearance of the house?
(CIRCLE RESPONSE)

Very Satisfied Satisfied Indifferent Dissatisfied Very Dissatisfied

IF DISSATISFIED OR VERY DISSATISFIED, What bothers you about the maintenance and upkeep of the house?

_____
_____
_____

20. Is it easy to reach management when you have a complaint?
yes____ no____

Comments:_____
_____
_____
_____

D. FUTURE HOUSING

21. How long do you plan to stay at your present address?

_____

_____

_____

22. Assuming that your income remains about the same in the near future, what kind of housing would you prefer to live in?

___ rooming house
___ self-contained bachelor
___ boarding/lodging house
___ one bedroom
___ other (Specify)_____

23. What do you see as the major obstacle in finding the kind of accommodation you would like to live in?

_____

_____

_____

24. Would you like to live in a larger unit and share expenses?
yes ___ no____ not sure____

Comments:_____

_____

25. Do you wish to have your own cooking and kitchen facilities?
Yes____ No____ Don't care_____

IF NO OR DON'T CARE,
How many people would you be willing to share with?
____ persons

26. Do you wish to have your own bathroom facilities?

Yes____ No____ Don't care_____

IF NO OR DON'T CARE, How many people would you be willing to share with? ____ persons

27. In addition to your room, which of the following facilities are important to have in a rooming house?

	Important	Not Important
living room/t.v. area	_____	_____
common kitchen/dining area	_____	_____
area outside for sitting and relaxing	_____	_____
locked-in storage area	_____	_____
other (Specify)_____		

28. (a) In what area of the city would you prefer to live?
_____ in this neighbourhood
_____ another neighbourhood in the west end
_____ elsewhere (specify)_____

(b) What were your reasons for choosing to live in this area of the city?

_____
_____

29. In choosing a place to live, which factors are important to you?

	Important	Not Important
being in a familiar setting	_____	_____
being close to friends and relatives	_____	_____
being close to public transit	_____	_____
being close to work	_____	_____
other (Specify)_____		

_____

30. (a) Some people say that rooming houses have an effect on local neighbourhoods. Do you think that they have:

a good effect on the neighbourhood _____
a negative effect on the neighbourhood _____
no effect on the neighbourhood_____

Please explain

_____
_____
_____

E. GENERAL HOUSING QUESTIONS

31. Do you think a building superintendent should live on the premises?
Yes_____ No____ Not sure_____

Comments:_____
_____

32. Who do you think should deal with problem tenants, e.g., noisy or rowdy tenants?
____ the superintendent
____ the landowner
____ an outside service
____ other (specify)_____

33. Do you think the City should become more involved in the rooming house business, for example, the city could run rooming houses itself or have stricter on rooming houses.
Yes ___ No ____ Not sure_____

Please explain

_____

F. SOCIO-DEMOGRAPHIC AND RENT QUESTIONS

And now we would just like to ask you a bit of information about yourself? All responses will be kept confidential.

34. How old are you?
Age: _____ years

35. Note sex: Male ___ Female_____

36. How long have you lived in the City of Toronto?
____ years or ___months

37. What level of education do you have?

___ completed elementary school
___ completed secondary school
___ university or college degree
____ some elementary
____ some secondary
____ some college or university

38. (a) Are you employed full-time or part-time?

	Permanent Job	Temporary	Summer Job
____ Full-time	_____	_____	_____
____ Part-time	_____	_____	_____
____ Not working			

(b) (if employed) What type of work do you do?
_____

(c) (if Employed) Where do you work? (nearest intersection)
_____

(d) (if not employed) What is you major source of income?

_____ welfare/social assistance
_____ old age pension
_____ disability pension
_____ other
(specify)_____

39. What is your approximate monthly or weekly income (before taxes)?
_____ monthly _____ weekly

40. What rent are you paying now?
$____ per day _____ per week _____per month
Comments:_____
_____

41. What other charges do you pay on housing, e.g., parking?

_____

42. Do you feel that you are paying too much of your income on housing?

Yes____ No____ Not sure_____

THANK YOU VERY MUCH FOR YOUR CO-OPERATION.

APPENDIX F

APPENDIX F: Rooming House Definitions

The appendix sets out for reference the definitions of rooming house, as well as some other key terms, as they presently stand in the relevant municipal and provincial regulations.

Rooming House By-Law 502-80 as amended.

3. Any dwelling that contains more than three dwelling units in which accommodation for human habitation is provided for gain for more than four persons and in which two or more dwellings units do not contain bathroom and kitchen facilities for the exclusive use of the occupant or occupants of such dwelling units is hereby designated as a rooming house.

Zoning By-Laws 20623 as amended.

S2 "boarding or lodging house" means a "dwelling house" in which the proprietor supplies for gain lodging with or without meals, but does not include a hotel, hospital, children's home, home for the aged, apartment house or other establishment otherwise classified or defined in this by-law.

S2 "boarding or lodging room" means a room in a "boarding or lodging housing" or a "converted dwelling and lodging house" that is not part of "dwelling unit" therein but does not include a bathroom, kitchen or windowless storage room with a floor area in each case of less than 10 square metres.

S2 "converted dwelling" means a building originally constructed as a "one -family dwelling house", "private detached dwelling house", "semi-detached dwelling house", "row housing", "duplex dwelling house", "triplex dwelling house", "double duplex dwelling house" or double triplex dwelling house", which, including any addition made prior to conversion, is at least five years old, and that has been or is proposed to be altered or converted so as to provide therein two more "dwelling units", except for "row housing" which may be altered or converted so as to provide within each "one family dwelling house" a maximum of two "dwelling units".

S2 "converted dwelling and lodging house" means a "dwelling house", originally constructed as a "private detached dwelling house" or a "one-family dwelling house" (other than "row housing") that, including any addition made before conversion, is at least five years old, and that has been or is proposed to be altered or converted to provide therein two or more "dwelling units" and one or more "boarding or lodging rooms".

S2 "dwelling unit" means a room or suite of two or more rooms designed or intended for use by one or more persons as living accommodation in which culinary and sanitary conveniences are provided for the exclusive use of the person or persons.

S2 "family" means one person, or two or more persons who are interrelated by bonds of consanguinity, marriage or legal adoption, or a group of not more than five unrelated persons occupying, with or without one or more full-time domestic servants, a "dwelling unit".

S2 "dwelling room" means dwelling accommodation consisting of not more than one "habitable room", and may include, either but not both culinary or sanitary conveniences, but does not include a room providing sleeping accommodation in a hotel or a room within a "dwelling unit".

Housing By-law No. 73-68 as amended

2(6a) "rooming house" means a dwelling that contains more than three dwelling units in which accommodation for human habitation is provided for more than four persons and in which two more dwelling units do not contain bathroom and kitchen facilities for the exclusive use of the occupant or occupants of such dwelling units, but does not include:

(i) an apartment house as defined in this by-law, or

(ii) boarding houses, lodging houses, rooming houses and private rest homes in which residents, because of age, mental or physical limitations do not require special care or treatment, where

(a) building height does not exceed three (3) storeys and building area does not exceed 6,000 sq. ft.,

(b) lodging is provided for gain with or without meals for more than three (3) persons, and

(c) lodging rooms do not have bathrooms or kitchen facilities for the exclusive use of individual occupants.

2(4) "dwelling unit" means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons.

2(5) "habitable room" means, subject to subsection (7) a room, in a dwelling, used or intended to be used for living, sleeping, cooking or eating purposes.

2(7) "non-habitable" means a room other than a habitable room, in a dwelling or dwelling unit, and, notwithstanding subsection (5), includes

(a) a bathroom or shower room,
(b) a toilet room,
(c) a laundry room,
(d) a boiler room,
(e) a furnace room,
(f) a pantry,
(g) a closet,
(h) a corridor,
(i) a foyer,
(j) a stairway,
(k) a lobby,
(l) a recreation room, or
(m) other space for service or maintenance of the dwelling or access to and vertical travel between storeys.

Fire Code (O.Reg. 67/87)

Part 9 of the Fire Code applies to the upgrading, or "retrofitting", of existing buildings in order that they conform to minimum safety standards. Section 9.3 provides regulations for the containment of fire, means of egress, fire alarms and detection in boarding, lodging and rooming houses where

a) the building height does not exceed three storeys and the building area does not exceed 600 m2;
b) lodging is provided for more than three persons in return for remuneration or the provision of services or both;
c) lodging rooms do not have bathrooms or kitchen facilities for the exclusive use of individual occupants.

APPENDIX G

OFFICE CONSOLIDATION

This consolidation is prepared for purposes of convenience only; for accurate reference see By-laws as adopted by City Council.

NO. 502-80 A BY-LAW

as amended by By-law Nos: 239-81, 126-82, 164-82, 315-82, 744-83, 231-84, 12-87, 409-88

Respecting Rooming Houses.

(Passed June 6, 1980)

The Council of the Corporation of the City of Toronto enacts as follows:

1. This By-law may be cited as The Rooming House By-law.

2. In this By-law

(1) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, or a vendor of such land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement, or the person for the time being receiving instalments of the purchase price of the land or premises in connection with which the word is used sold under an agreement for sale whether on his own account or as agent or trustee of any other person or who would so receive the instalments of the purchase price if such land or premises were sold under an agreement for sale and, for the purposes of Section 8a and Section 8b of this By-law, 'owner' includes the officers or directors of a corporation which applies for a rooming house license; (409-88)

(2) "Co-operative student residence" means a dwelling that contains more than three (3) dwelling units in which accommodation is provided for more than four (4) students who are members of a co-operative as defined in the Co-operative Corporations Act, R.S.O. 1980, c 91, but does not include an apartment house or mixed use building as defined in By-law No. 73-68 being "The Housing By-law", as amended. (744-83)

(3) "student fraternity house" means a dwelling

that contains more than three (3) dwelling units in which accommodation is provided for more than four (4) students who are members of a bona fide nationally or internationally chartered student fraternity but does not include an apartment house or a mixed used building as defined in By-law No. 73-68 being "The Housing By-law", as amended. (744-83)

3. Any dwelling that contains more than three dwelling units in which accommodation for human habitation is provided for in return for remuneration for more than four per sons and in which two or more dwelling units d o not contain bathroom and kitchen facilities for the exclusive use of the occupant of such dwelling units is hereby d esignated as a rooming house. (231-84)

3a. Notwithstanding section 3, for the purposes of this By-law a "co-operative student residence" and a "student fraternity house" are deemed not to be a rooming house." (744-83)

3b. Notwithstanding section 3, for the purposes of this By-law a dwelling licensed and inspected under a funding program administered by the Province of Ontario is deemed not to be a rooming house. (12-87)

4. Repealed by (239-81)

5. The Licensing Commissioner is hereby authorized to exercise all of the powers of the Council with respect to the licensing, suspension, revocation, renewal or transfer of any licence for or in connection with a rooming house.

6. No person shall use, rent, offer to rent or permit to be used, rented or offered for rent any rooming house unless a licence for or in connection with such rooming house has been issued by the Licensing Commissioner.

7. Where a licence has been issued under this By-law for or in connection with a rooming house, no person shall use that rooming house except for the purpose for which such licence was issued.

8. No person shall use, rent or offer for rent or permit to be used, rented or offered for rent a rooming house in violation of this By-law or in contravention of any other By-law of the Corporation or where a conviction has been registered under the Building Code Act, the Fire Marshals Act or the Health Protection and Promotion Act, 1983 or any regulation made under those Acts. (231-84)

8a. The Licensing Commissioner may refuse to issue a

license to the owner of a rooming house where the past conduct of the owner affords reasonable grounds for belief that the owner will not carry on business in accordance with law and with integrity and honesty. (409-88)

8b. In deciding whether to refuse a license to an owner of a rooming house under Section 8a, the Licensing Commissioner shall take into account the past conduct of the owner, including the record of previous convictions against the owner for offences under this By-law and other by-laws of the Corporation related to dwellings and the record and disposition of complaints against the owner by: (409-88)

(i) federal, provincial or municipal authorities respecting the enforcement of legislation under their jurisdiction governing dwellings owned by the owner; (409-88)

(ii) occupants of dwellings owned by the owner; (409-88)

(iii) residents in the vicinity of dwellings owned by the owner; and (409-88)

(iv) any other persons whom in the opinion of the Licensing Commissioner had knowledge of the manner in which the owner operated or permitted to be operated dwellings. (409-88)

9. The owner of every rooming house shall submit to the Licensing Commissioner an application for a licence for or in connection with each such rooming house and such application shall be on a form approved by the Licensing Commissioner and shall contain the following information:

(a) the location of the rooming house for or in connection with which the application for a licence is being made;

(b) the name, address and telephone number of the applicant;

(c) the name, address and telephone number of the registered owner of the rooming house; if such registered owner is a corporation, the name, address and telephone number of the officers of such corporation; if the registered owner is a partnership, the names, addresses and telephone numbers of each of the individual members of such partnership;

(d) a statement indicating the number of

dwelling units, kitchens and bathrooms in the rooming house at the location named in the application and indicating the type and location of the fire detection and fire protection equipment in such rooming house;

(e) the consent of both the registered owner and the applicant to an employee of the Corporation inspecting the rooming house for or in connection with which the application is being made;

(f) the consent of both the registered owner and the applicant to the posting of notices as required by this By-law to be posted.

10. Every person submitting an application pursuant to this By-law shall verify, by statutory declaration, the information supplied by him in such application.

11. (1) For purposes of this By-law,

(a) "Class 1 Rooming House" means a rooming house in which the registered owner occupies as his personal residence a dwelling area of not less than 250 sq. ft.;

(b) "Class 2 Rooming House" means a rooming house, other than a rooming house referred to in paragraphs (a) and (e) of this subsection, of not more than three storeys and basement in height and containing not more than fourteen dwelling units of which not more than four such units are located on the third floor; (126-82)

(c) "Class 3 Rooming House" means a rooming house, other than a rooming house referred to in paragraphs (a) and (e) of this subsection, of not more than three storeys and basement in height and containing more than fourteen dwelling units; (126-82)

(d) "Class 4 Rooming House" means a rooming house, other than a rooming house referred to in paragraphs (a) and (e) of this subsection, more than three storeys and basement in height; (126-82)

(e) "Class 5 Rooming House" means a

rooming house which is occupied by a non-profit organization. (126-82) (744-83)

(2) No application shall be accepted by the Licensing Commissioner unless it is accompanied by a licence fee in accordance with the following schedule:

(a) For a Class 1 Rooming House, the fee shall be $30.00;

(b) For a Class 2 Rooming House, the fee shall be $30.00;

(c) For a Class 3 Rooming House, the fee shall be $40.00;

(d) For a Class 4 Rooming House, the fee shall be $50.00;

provided however no licence fee shall be charged in respect to an application for a Class 5 Rooming House. (126-82)

12. Upon receipt of an application for a licence for or in connection with a rooming house being made and upon the payment of the fee herein required to be paid if any, the Licensing Commissioner shall make or cause to be made an inspection of the rooming house at the location named in the application to determine whether such rooming house complies with this By-law and all other by-laws of the Corporation and the Fire Marshals Act and any regulations made thereunder. (126-82) (164-82)

13. Where after inspection of the rooming house at the location named in the application, the Licensing Commissioner is satisfied that such rooming house complies in all respects with this By-law and every other by-law of the Corporation and the Fire Marshals Act and any regulations made thereunder, the Licensing Commissioner shall issue a licence for or in connection with the rooming house at the location named in the application. (164-82)

14. Where after inspection of the rooming house at the location named in the application, the Licensing Commissioner is not satisfied that such rooming house complies with this by-law or any other by-law of the Corporation and the Fire Marshals Act and any regulations made thereunder, the Licensing Commissioner shall forthwith cause notice of this fact to be sent by prepaid registered mail to the applicant at the applicant's address shown on the application form. (164-82)

15. The notice sent by the Licensing Commissioner pursuant to section 14 shall include

(a) a statement setting out those matters upon which he is not satisfied that the rooming house at the location named in the application complies with this By-law or any other by-law of the Corporation or the Fire Marshals Act and any regulations made thereunder (164-82)

(b) a statement setting out the time and place at which the Licensing Commissioner will hold a public hearing to consider the application;

(c) a statement that if the applicant does not attend the hearing, the Licensing Commissioner will proceed to consider the application and the licence may or may not be granted and the applicant will not be entitled to any further notice in the proceedings.

16. The applicant may, if he wishes, be represented by counsel at such hearing and shall have the right to adduce evidence and to submit argument in support of his application and to cross-examine any witnesses adverse in interest to him, and in the event a licence is refused, the Licensing Commissioner shall, at the request of the applicant, deliver written reasons for his decision.

17. At the time and place set forth in the notice referred to in sections 14 and 15, the Licensing Commissioner shall consider the application, and the Licensing Commissioner may (315-82)

(a) if he is then satisfied that the rooming house at the location named in the application complies with this By-law and all other by-laws of the Corporation and the Fire Marshals Act and any regulations made thereunder, issue the licence, or (164-82)

(b) if he is not then satisfied that such rooming house complies with this By-law or any other by-law of the Corporation or the Fire Marshals Act and any regulations made thereunder, refuse to issue the licence, or (164-82)

(c) if he is not then satisfied that such rooming house complies with this By-law or any other by-law of the Corporation, but he is

satisfied that the contraventions of such by-laws are not of a health and safety nature or are not major violations of any such by-law of the Corporation he may, subject to sections 18 and 19 hereof, issue a licence to the applicant.

18. A licence issued pursuant to paragraph (c) of section 17 shall set out a specified period of time and the manner in which such rooming house does not comply with this By-law or any other by-law of the Corporation, and shall order the applicant to bring the rooming house into compliance with all such by-laws during the period specified in such licence.

19. (1) A licence issued pursuant to paragraph (c) of section 17 shall expire at the end of the period set out in such licence, provided however, such licence may be revoked or suspended at any time during such period if in the opinion of the Licensing Commissioner such licence should be suspended or revoked, and the provisions of this By-law in respect of the revocation or suspension of a licence shall apply to the revocation or suspension of a licence issued under paragraph (c) of section 17.

(2) Where during the period set out in a licence issued under paragraph (c) of section 17, the rooming house is in the opinion of the Licensing Commissioner brought into compliance with this By-law and all other by-laws of the Corporation, the Licensing Commissioner may then issue the licence in accordance with section 13 of this By-law.

20. (1) A licence, other than a licence issued under paragraph (c) of section 17, which is issued for or in connection with a Class 1 Rooming House shall be valid for a period of two years from the date of its issuance, unless such licence is revoked or suspended by the Licensing Commissioner during such period.

(2) A licence, other than a licence issued under paragraph (c) of section 17, which is issued for or in connection with a rooming house, except for a Class 1 Rooming House, shall be valid for a period of one year from the date of its issuance unless such licence is revoked or suspended by the Licensing Commissioner during such period.

21. (1) Every licence issued by the Licensing Commissioner shall name the location of the rooming house for or in connection with which such licence is issued and shall set out the number of dwelling

units, kitchens and bathrooms in such rooming house and shall indicate the type and location of the fire detection and fire protection equipment in such rooming house, and no person shall alter such rooming house in any way which would result in

(a) an increase or decrease in the number of dwelling units, kitchens or bathrooms in such rooming house, or

(b) an alteration of the type or location of the fire detection and fire protection equipment in such rooming house, or

(c) an alteration to the class of rooming house set out in the licence issued for or in connection with such rooming house,

unless such person shall have first submitted an application to the Licensing Commissioner on a form approved by the Licensing Commissioner for a revision to the licence and until the Licensing Commissioner shall have issued such revision to the licence.

(2) No fee shall be charged in connection with the issuance of a revision to a licence pursuant to this section.

(3) The Licensing Commissioner is hereby authorized to issue a revision to a licence issued for or in connection with a rooming house where the Licensing Commissioner is satisfied that such revision complies with this By-law and all other by-laws of the Corporation.

(4) Where the Licensing Commissioner is not satisfied that the revision requested complies with this By-law or any other by-law of the Corporation and the Fire Marshals Act and any regulations made thereunder, the Licensing Commissioner shall forthwith cause notice of this fact to be sent by prepaid registered mail to the applicant at the applicant's address shown on the application for revision form. (164-82)

(5) The notice sent by the Licensing Commissioner pursuant to subsection 4 of this section shall include

(a) a statement setting out those

matters upon which he is not satisfied that the revision applied for complies with this By-law or any other by-law of the Corporation or the Fire Marshals Act and any regulations made thereunder; (164-82)

(b) a statement setting out the time and place at which the Licensing Commissioner will hold a public hearing to consider the application for revision;

(c) a statement that if the applicant does not attend the hearing, the Licensing Commissioner will proceed to consider the application for revision and the revision may or may not be approved and the applicant will not be entitled to any further notice in the proceedings.

(6) The applicant may, if he wishes, be represented by counsel at such hearing and shall have the right to adduce evidence and to submit argument in support of his application for revision and to cross-examine any witnesses adverse in interest to him, and in the event the revision is not approved, the Licensing Commissioner shall, at the request of the applicant, deliver written reasons for his decision.

(7) Where a revision to a licence has not been approved, no person shall alter such rooming house in any way which would result in

(a) an increase or decrease in the number of dwelling units, kitchens or bathrooms in such rooming house, or

(b) an alteration of the type or location of the fire detection and fire protection equipment in such rooming house, or

(c) an alteration to the class of rooming house set out in the licence issued for or in connection with such rooming house.

22. Subject to the provisions of section 24 of this By-law, the Licensing Commissioner may revoke any licence issued by him under this By-law, for any of the following reasons:

(a) where ownership of a rooming house for or in

connection with which a licence has been issued is changed without giving the Licensing Commissioner notice required to be given pursuant to section 26 of this By-law, or

(b) where a rooming house for or in connection with which a licence was issued is altered contrary to section 21 of this By-law without such licence being first revised as required by said section 21, or

(c) where the information provided in the application for such licence is found to be incorrect.

23. Subject to the provisions of section 24 of this By-law, the Licensing Commissioner may suspend any licence issued by him under this By-law where in the opinion of the Licensing Commissioner the rooming house for or in connection with which the licence was issued is subsequently found to be in violation of this By-law or any other By-law of the Corporation and the Fire Marshals Act and any regulations made thereunder. (164-82)

24. (1) Before revoking or suspending any licence in accordance with sections 22 or 23 of this By-law, the Licensing Commissioner shall cause notice of his intention to revoke or suspend, as the case may be, the licence to be sent by prepaid registered mail to the applicant to whom such licence was issued at the applicant's address shown on the application form.

(2) The notice sent by the Licensing Commissioner pursuant to subsection (1) of this section shall include

(a) a statement setting out the intention of the Licensing Commissioner to revoke or suspend the licence and the reasons therefor;

(b) a statement setting out the time and place at which the Licensing Commissioner will hold a public hearing to consider such revocation or suspension as the case may be;

(c) a statement that if the applicant does not attend the hearing, the Licensing Commissioner will proceed to consider the revocation or suspension as the case may be and the licence may or may not be so revoked or suspended and

the applicant will not be entitled to any further notice in the proceedings.

(3) The applicant may, if he wishes, be represented by counsel at such hearing and shall have the right to adduce evidence and to submit argument in support of his application and to cross-examine any witnesses adverse in interest to him, and in the event a licence is revoked or suspended, the Licensing Commissioner shall, at the request of the applicant, deliver written reasons for his decision.

(4) Where a licence issued for or in connection with a rooming house has been revoked or suspended by the Licensing Commissioner or where a licence issued under paragraph (c) of section 17 of this By-law has expired, such rooming house shall not be used, rented or offered for rent until a new licence has been issued by the Licensing Commissioner for or in connection with such rooming house.

25. At least 30 days prior to the expiry of any licence issued under this By-law the owner of such rooming house shall apply to the Licensing Commissioner for a new licence in the manner prescribed by this By-law.

26. A licence issued under this By-law may be transferred during the period in which it is valid provided that the registered owner of the rooming house for or in connection with which the licence was issued first shall have given notice to the Licensing Commissioner at least thirty days prior to the date upon which he intends to cease to be the registered owner of such rooming house, and further provided that if such notice is not given, the provisions of section 22 of this By-law shall be applicable.

27. The owner of every rooming house for or in connection with which a licence has been issued under this By-law, shall keep such licence in the rooming house named therein, and such licence shall be available at all times for inspection by the Licensing Commissioner or his authorized agent.

28. (1) The owner of every rooming house for or in connection with which a licence has been issued under this By-law shall post and keep posted at all times in a conspicuous place in the entrance to such rooming house a notice in a form provided by the Licensing Commissioner showing the name, address and telephone number of the owner of the rooming house, together with the name, address and residential telephone number of a person to be called in case of emergency where the owner cannot be reached.

(2) Every licence issued by the Licensing Commissioner shall empower the Licensing Commissioner to post the notice required by subsection (1) of this section in the event the owner fails or neglects to do so.

(3) The provisions of this section shall not apply to a Class 1 Rooming House.

29. Where the Licensing Commissioner has issued a licence under this By-law, he is authorized, subject to any other By-law of the Corporation, to issue a decal to be displayed in the rooming house to indicate that a licence has been issued for or in connection with such rooming house and no person shall display any such decal in a rooming house where the rooming house has not been issued a licence under this By-law or where the licence so issued has been revoked or suspended provided that if the owner fails or neglects to do so, the Licensing Commissioner may remove or may cause such decal to be removed where the licence for or in connection with such rooming house has been suspended or revoked.

30. Any hearing held by the Licensing Commissioner shall comply in all respects with the requirements of The Statutory Powers Procedure Act, 1971.

31 By-law No. 412-74, being "A By-law to provide for the licensing, regulating and governing of a certain class of lodging house keepers", as amended, is superseded by this By-law, provided however, that all licences heretofore issued pursuant to said By-law No. 412-74, as amended, shall, during the period for which the same have been issued, remain in full force and effect unless for some other reasons the same are terminated, suspended, forfeited or revoked.

32. Any notice required by this By-law to be given by prepaid registered mail shall be deemed to have been received by the person to whom it was addressed on the fifth day after the day of such mailing unless the party did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive such notice until a later date.

33. Every person who contravenes any of the provisions of this By-law is guilty of an offence and on summary conviction is liable to a fine not exceeding $1,000.00 (exclusive of costs) for each offence.

JOHN SEWELL,
Mayor.

ROY V. HENDERSON,
City Clerk.

COUNCIL CHAMBER,

APPENDIX H

APPENDIX

DISCUSSION REGARDING

RIGHT OF ENTRY

INTRODUCTION

The right of an inspector to enter occupied residential premises is provided under a number of acts, including the Planning Act, the Building Code Act, the Health Protection and Promotion Act, and the Fire Marshals Act. As the following review of the legislation indicates, essentially the occupant has to consent to the inspection, or a search warrant must be obtained under the Provincial Offences Act. There are amendments to existing legislation which the City of Toronto could request the provincial government to enact, which would improve an inspectors right of entry, without the risk of arbitrary inspections associated with an unlimited right to inspect.

REVIEW OF THE LEGISLATION

1. The Planning Act

   The right of entry under The Planning Act in regard to a possible non-compliance with the applicable zoning by-law requires the inspector to request and obtain the consent of the occupier of the property.

   The inspector is also required to inform the occupier that the right of entry may be refused and entry made only under the authority of a search warrant. If entry is refused, a search warrant must be obtained under the Provincial Offences Act.

2. Ontario Building Code Act

   The right of entry to an occupied residential property under the Building Code Act requires the consent of the occupier, except under the authority of a search warrant issued.

3. The Housing Standards By-Law

   The City of Toronto has special legislation providing for the passage of the Housing Standards By-law, as well as a right of entry which refers to the repealed Public Health Act. The right of entry has never been tested and may well have been superceded by the right of entry provided by the Health Protection and Promotion Act.

4. Health Protection and Promotion Act

The right of entry to a residential premises under the Health Protection and Promotion Act requires the consent of the occupier, otherwise a warrant must be obtained by a justice of the peace as provided by the Act. The request for a warrant must be related to teh Act or its regulations.

5. Fire Marshals Act

The right of entry under the Fire Marshals Act requires the inspector to have reasonable information as a basis of the justification for the inspection, such as a complaint, to determine if a fire hazard is present.

6. The Rooming House By-law

The Rooming House By-law provides that at the time of application the owner of a rooming house must consent to an employee of the City inspecting the house in connection with the application. The Rooming House By-law does not provide for inspections other than at the time an application is made.

OBTAINING A SEARCH WARRANT

The review of the legislation points to the importance of obtaining a search warrant from a justice of the peace under the Provincial Offences Act. In order to obtain a search warrant, the justice of the peace must be satisfied that there are reasonable grounds to believe that there is in any building or place, anything in respect of which an offence has been committed, or anything that there is reasonable grounds to believe will afford evidence as to the commission of an offence. Once the search warrant is issued and executed and the materials are seized, the justice of the peace shall authorize its proper custody.

The difficulty with obtaining a search warrant under the Provincial Offences Act is that the enabling legislation relates to the seizure of goods, not the inspection of residential premises where the seizure of a good is not the object. Thus, it is very difficult to obtain a search warrant to inspect residential premises.

STRENGTHENING THE RIGHT OF ENTRY

Improving the present rights of an inspector to enter residential premises requires action by the provincial government. While some may believe inspectors should have an unlimited right of entry without a search warrant, others

will argue that the rights of individuals must be protected from arbitrary inspections by the requirement to obtain a search warrant. It is also uncertain whether provincial legislation granting unlimited rights of entry to inspectors would be in keeping with the Canadian Charter of Rights and Freedoms. Thus, the provincial governments may not be willing to grant such absolute powers to an inspector. The rights of tenants must also be considered in this matter. Some limitation should be imposed on the access of inspectors to the rooms of tenants wihtout prior notice.

There are improvements to existing legislation which would increase the rights of inpsectors while still protecting the rights of individuals from arbitrary inspections. Specifically, the Provincial Offences Act should be amended to provide for the issuance of a search warrant which is appropriate for the inspection of residential premises. The provincial government may well be persuaded to pass legislation which improves the present unworkable situation for all municipalities in Ontario.

The second amendment which would improve the right of entry to licenced rooming houses is an amendment to the Rooming House By-law. An amendment could provide that as a condition to granting a rooming house licence, the applicant must agree to inspections without a search warrant, as long as reasonable notice is given to the applicant.

APPENDIX I

Figure I.1

Typical Pro-Forma Income and Expense Statements

1. Legal Rooming House

a) R2 Zone, Owner-Occupied and Purchased in 1987

Assumptions

-purchase price = $265,000 (median purchase price of licenced rooming houses in R2 zones in west end in 1987)
-25% down payment ($66,000)
-therefore, mortgage of $199,000
-average rent = $350/month per person (average figure arising from survey)
-average of 6 rooms per house (maximum permitted in R2 zone)
-10% revenue reduction due to vacancy/turnover/bad-debt
-does not include equity appreciation or tax considerations

Annual Revenue

$350 x 6 = $2100 x .90 = $1890 x 12 = $22,680

		$22,680

Annual Expenses

(i) Operating Expenses

Property Tax	$2,400	
Utilities	4,000	
Staff Costs (cleaning, etc)	3,000	
Maintenance/repair	4,000	
Insurance	2,000	
Administrative (inc. legal, accounting, etc.)	2,400	
	$17,800	$17,800

(ii) Mortgage Payments

$2,100 x 12 = $25,200		$25,200

(iii) Capital Improvements

$3,000 ($500 per unit/year)		3,000
		$46,000
		$46,000

Net Annual Income ($23,320)

Figure I.2

Typical Pro-Forma Income and Expense Statements

1. Legal Rooming House

b) R2 Zone, Absentee-Owned and Purchased in 1987

Assumptions

-purchase price = $265,000 (median purchase price of licenced rooming houses in R2 zones in west end in 1987)
-25% down payment ($66,000)
-therefore, mortgage of $199,000
-average rent = $350/month per person (average figure arising from survey) plus one self contained unit at $700/month
-average of 6 rooms per house (maximum permitted in R2 zone)
-10% revenue reduction due to vacancy/turnover/bad-debt
-does not include equity appreciation or tax considerations

Annual Revenue

$2800 x .9 = $2520 x 12 = $30,240

			$30,240

Annual Expenses

(i) Operating Expenses

Property Tax	$2,400		
Utilities	4,000		
Staff Costs (cleaning, etc)	3,600		
Maintenance/repair	4,400		
Insurance	2,000		
Administrative (inc. legal, accounting, etc.)	2,400		
	$18,800	$18,800	

(ii) Mortgage Payments

$2,100 x 12 = $25,200		$25,200	

(iii) Capital Improvements

$3,600		3,600	
		$47,600	$47,600

Net Annual Income	($17,360)

Figure I.3

Typical Pro-Forma Income and Expense Statements

1. Legal Rooming House

c) R2 Zone, Owner-Occupied and Purchased in 1977

Assumptions

-purchase price = $87,000 (property values in 1977 in this area were approximately 33% of 1987 values)
-25% down payment ($22,000)
-therefore, mortgage of $65,000
-average rent = $350/month per person (average figure arising from survey) plus one self contained unit at $700/month
-average of 6 rooms per house (maximum permitted in R2 zone)
-10% revenue reduction due to vacancy/turnover/bad-debt
-does not include equity appreciation or tax considerations

Annual Revenue

$2100 x .9 = $1890 x 12 = $22,680

		$22,680

Annual Expenses

(i) Operating Expenses

Property Tax	$2,400	
Utilities	4,000	
Staff Costs (cleaning, etc)	3,000	
Maintenance/repair	4,000	
Insurance	2,000	
Administrative (inc. legal, accounting, etc.)	2,400	
	$17,800	$17,800

(ii) Mortgage Payments

$660 x 12 = $7,920		$ 7,920

(iii) Capital Improvements

$3,000		3,000
	$28,720	$28,720

Net Annual Income ($6040)

Figure I.4

Typical Pro-Forma Income and Expense Statements

1. Legal Rooming House

d) R2 Zone, Absentee-Owned and Purchased in 1977

Assumptions

-purchase price = $87,000 (property values in 1977 in this area were approximately 33% of 1987 values)
-25% down payment ($22,000)
-therefore, mortgage of $65,000
-average rent = $350/month per person (average figure arising from survey) plus one self contained unit at $700/month
-average of 6 rooms per house (maximum permitted in R2 zone)
-10% revenue reduction due to vacancy/turnover/bad-debt
-does not include equity appreciation or tax considerations

Annual Revenue

$2800 x .9 = $2520 x 12 = $30,240

		$30,240

Annual Expenses

(i) Operating Expenses

Property Tax	$2,400		
Utilities	4,000		
Staff Costs (cleaning, etc)	3,600		
Maintenance/repair	4,400		
Insurance	2,000		
Administrative (inc. legal, accounting, etc.)	2,400		
	$18,800	$18,800	

(ii) Mortgage Payments

$660 x 12 = $7,920	$ 7,920	

(iii) Capital Improvements

$3,600	3,600	
	$30,300	$30,300

Net Annual Income $80

Figure I.5

Typical Pro-Forma Income and Expense Statements

1. Legal Rooming House

e) R4 Zone, Owner-Occupied and Purchased in 1987

Assumptions

-purchase price = $320,000 (median purchase price of licenced rooming houses in R4 zones in west end in 1987)
-25% down payment ($80,000)
-therefore, mortgage of $240,000
-average rent = $350/month per person (average figure arising from survey)
-average of 12 rooms per house (maximum permitted in R2 zone)
-10% revenue reduction due to vacancy/turnover/bad-debt
-does not include equity appreciation or tax considerations

Annual Revenue

$350 x 12 = $4200 x .90 = $3780 x 12 = $45,360

$45,360

Annual Expenses

(i) Operating Expenses

Property Tax	$3,200		
Utilities	5,000		
Staff Costs (cleaning, etc)	4,800		
Maintenance/repair	6,000		
Insurance	3,000		
Administrative (inc. legal, accounting, etc.)	2,400		
	$24,400	$24,400	

(ii) Mortgage Payments

$2,500 x 12 = $30,000	$30,000	

(iii) Capital Improvements

$6,000 ($500 per unit/year)	6,000	
	$60,400	$60,400

Net Annual Income ($15,040)

Figure I.6

Typical Pro-Forma Income and Expense Statements

1. Legal Rooming House

f) R4 Zone, Absentee-Owned and Purchased in 1987

Assumptions

-purchase price = $320,000 (median purchase price of licenced rooming houses in R4 zones in west end in 1987)
-25% down payment ($80,000)
-therefore, mortgage of $240,000
-average rent = $350/month per person (average figure arising from survey) plus one self contained unit at $700/month
-average of 12 rooms per house (maximum permitted in R4 zone)
-10% revenue reduction due to vacancy/turnover/bad-debt
-does not include equity appreciation or tax considerations

Annual Revenue

$4900 x .9 = $4410 x 12 = $52,920

			$52,920

Annual Expenses

(i) Operating Expenses

Property Tax	$3,200		
Utilities	5,000		
Staff Costs (cleaning, etc)	5,400		
Maintenance/repair	6,600		
Insurance	3,000		
Administrative (inc. legal, accounting, etc.)	2,400		
	$25,600	$25,600	

(ii) Mortgage Payments

$2,500 x 12 = $30,000		$30,000	

(iii) Capital Improvements

$7,200		7,200	
		$62,800	$62,800

Net Annual Income ($ 9,880)

Figure I.7

Typical Pro-Forma Income and Expense Statements

1. Legal Rooming House

g) R4 Zone, Owner-Occupied and Purchased in 1977

Assumptions

-purchase price = $105,000 (property values in 1977 in this area were approximately 33% of 1987 values)
-25% down payment ($26,000)
-therefore, mortgage of $79,000
-average rent = $350/month per person (average figure arising from survey)
-average of 12 rooms per house (maximum permitted in R4 zone)
-10% revenue reduction due to vacancy/turnover/bad-debt
-does not include equity appreciation or tax considerations

Annual Revenue

$4200 x .9 = $3780 x 12 = $45,360

			$45,360

Annual Expenses

(i) Operating Expenses

Property Tax	$3,200		
Utilities	5,000		
Staff Costs (cleaning, etc)	4,800		
Maintenance/repair	6,000		
Insurance	2,000		
Administrative (inc. legal, accounting, etc.)	2,400		
	$24,400	$24,400	

(ii) Mortgage Payments

$800 x 12 = $9,600		$ 9,600	

(iii) Capital Improvements

$7,200		7,200	
		$41,200	$41,200

Net Annual Income $ 4,160

Figure I.8

Typical Pro-Forma Income and Expense Statements

1. Legal Rooming House

h) R4 Zone, Absentee-Owned and Purchased in 1977

Assumptions

-purchase price = $105,000 (property values in 1977 in this area were approximately 33% of 1987 values)
-25% down payment ($26,000)
-therefore, mortgage of $79,000
-average rent = $350/month per person (average figure arising from survey) plus one self contained unit at $700/month
-average of 12 rooms per house (maximum permitted in R4 zone)
-10% revenue reduction due to vacancy/turnover/bad-debt
-does not include equity appreciation or tax considerations

Annual Revenue

$4900 x .9 = $4410 x 12 = $52,920

		$52,920

Annual Expenses

(i) Operating Expenses

Property Tax	$3,200	
Utilities	5,000	
Staff Costs (cleaning, etc)	5,400	
Maintenance/repair	6,600	
Insurance	2,000	
Administrative (inc. legal, accounting, etc.)	2,400	
	$25,600	$25,600

(ii) Mortgage Payments

$800 x 12 = $9,600		$ 9,600

(iii) Capital Improvements

$7,200		7,200
		$42,400
		$42,400

Net Annual Income $10,520

Figure I.9

2. Illegal Rooming House (Triplex Scenario)

Assumptions

-same purchase price, downpayment and mortgage as 1a) above
-average rent = $350/month/person (same as 1a) above
-average of 15 persons per house ("triplex" scenario)
-10% revenue reduction due to vacancy/turnover/bad debt

Annual Revenue

$350 x 15 = 5250 x .9 = $4725 x 12 = $56,700			$56,700

Annual Expenses

Property Tax	$2,400		
Utilities	5,000		
Staff costs (cleaning, etc)	2,400		
Maintenance/repair	3,600		
Insurance	2,000		
Administrative (inc. legal, accounting, etc)	2,400		
	$17,800	$17,800	
(ii) Mortgage Payments			
$2,100 x 12 = $25,200		$25,200	
(iii) Capital Improvements			
$2,500		$ 2,500	
		$45,500	$45,500

Net Annual Income		$11,200
Return on equity*	$11,200/66,000	17.0%

* does not include equity appreciation or tax considerations

Figure I.10

Typical Pro-Forma Income and Expense Statements

3. Non-Profit Rooming House

Assumptions

-purchase price = $400,000 (purchase price of typical property purchased by a non-profit organization we interviewed)
-$200,000 in leasehold improvements and furnishings
-100% equity (100% forgivable capital loan from Province)
-therefore, no mortgage payments required
-10 rooms in house (as per interview information)
-average rent = $320/month per person
-0% revenue reduction due to vacancy/turnover/bad-debt
-does not include equity appreciation or tax considerations

Annual Revenue

$320 x 10 = $3200 x 12 = $38,400

$38,400

Annual Expenses

(i) Operating Expenses

Property Tax	$2,200	
Utilities	6,000	
Staff Costs (janitorial)	12,000	
Staff Costs (facilitator)*	------	
Maintenance/repair	6,000	
Insurance	3,100	
Administrative (inc. legal, accounting, etc.)	3,100	
	$32,400	$32,400

* cost covered by separate Provincial funding (Com Soc)

(ii) Mortgage Payments

-no mortgage payment due to Provincial funding (without forgivable loan, would have required $150,000 down payment and annual mortgage payments of approximately $56,400).

(iii) Capital Improvements

$6,000	6,000	
	$38,400	$38,400

Net Annual Income $0.00

APPENDIX J

APPENDIX J: Legal Background to Housekeeping Unit

Municipalities have a legitimate function in regulating the "use" and "character" of buildings through their zoning by-laws. To this end, controls are often placed on the extent of occupancy. In the case of residential premises, municipalities have conventionally relied on the term "family" as the basis of these controls, and in doing so have drawn a distinction between "related" and "unrelated" groups of people.

Two recent court cases have dealt with these type of controls.* Simply put, the courts have held that zoning by-laws as set out by the Planning Act are intended to control the use of buildings but not the people using them. Nevertheless, zoning can be used to limit the extent of occupancy, provided it does not discriminate against the type of living arrangements, such as "unrelated" people living together.

The main details of the two relevant cases are these:

- In a 1979 case, Bell v. the Queen, before the Supreme Court of Canada, the City of North York charged a tenant with breach of a zoning by-law. The tenant shared a dwelling with two other unrelated persons. The zoning only permitted a dwelling to be occupied by a family, which was defined as "persons related by bonds of consanquinty, marriage or legal adoption; non-paying guests and domestic servants; and a property owner living alone except for two other unrelated persons".

  The Court declared the by-law to be invalid, giving the reason that "the device of zoning by reference to the relationship of occupants rather than the use of the building is one which is ultra vires of the municipality under the provisions of the Planning Act".

- In a 1980 case, Smith v. Township of Tiny, the Ontario High Court considered a similar by-law that restricted certain areas to single family seasonal dwelling units. "Family" was defined as a "one or more human beings related by blood or marriage, or common law marriage or a group of not more than three human beings who need not be related by blood or marriage, living together as a single house-keeping unit. Family also includes domestic servants or not more than two roomers or boarders. "Common law marriage" means a man and woman living together as a family without the sanctity of marriage."

  The Court upheld the by-law, noting that the prohibition contained in the by-law differed significantly from the North York. "Family" was not confined to persons related by blood or marriage. Common law relationships and unrelated groups were also included in the definition.

Simply put, the courts seems to saying that zoning by-laws are intended to control the use of buildings, but not the people using them. Nevertheless, they also seem to allow some control on occupancy, including specifically limitations on the number of "unrelated" people in dwelling units. This is not considered discriminatory, when the control allows for most kinds of common living arrangements.

The interim controls fall within these legal constraints. The definition of "family" "incorporates most types of arrangements usual for people living together as a simple housekeeping unit", including specifically unrelated persons. Therefore, it cannot be said to be either unreasonable or to constitute zoning based on the relationship of the occupants.

The number of unrelated persons that must be permitted appears to be left open by the court. At a minimum, it indicates that any definition should permit at least 3 unrelated persons to live together.

A more recent case has given some guidance on what constitutes a housekeeping unit.

- In 1987, in Kochendorfer and Township of Brantford v. Schell, the High Court on appeal upheld the Township's refusal to issue a building permit for a proposed facility to be used as a group home. Under the local by-law, a '"group home" means a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or receiving family) liva as a family under responsible supervision consistent with the particular needs of its residents.' The Town did not consider this to be a group home, as there would be no responsible supervision.

  The Court held that the "juveniles living in such circumstances do not live as a family, and so the facility or group home the appellant plans does not fall within the kind permitted by the by-law." Continuing, it stated that although "they participate in the ordinary domestic chores of the home"..., "they are not in the home out of choice or because of some social bond between them. ... "Such juveniles might in some respects be living like a family, but they certainly would not be living as a family."

The decision indicates that for a group of people to be a "housekeeping unit" there must be "some social bond" between them. It draws a distinction between "living like a family" and "living as a family".

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